



भारत का राजपत्र The Gazette of India

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सं. 27]

नई दिल्ली, जून 27—जुलाई 3, 2004, शनिवार/आषाढ़ 6—आषाढ़ 12, 1926

No. 27]

NEW DELHI, JUNE 27—JULY 3, 2004, SATURDAY/ASADHA 6—ASADHA 12, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

कार्यालय : आयुक्त, केन्द्रीय उत्पाद शुल्क आयुक्तालय :

जयपुर-प्रथम

जयपुर, 11 जून, 2004

संख्या 02/सीमा शुल्क (एन टी) 2004

सीमा शुल्क

का. आ. 1521.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94—सीमा शुल्क (एन टी) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं, प्रवीण महाजन आयुक्त, केन्द्रीय उत्पाद शुल्क, जयपुर-प्रथम एतद्वारा, शतप्रतिशत ई.ओ.यू. स्थापित करने के उद्देश्य से राजस्थान राज्य के श्री गंगानगर जिले में स्थित 'के ब्लॉक' श्री गंगानगर को भण्डारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करती हूँ।

[फा. सं. पंचम(16)ईओयू/12/2004]

प्रवीण महाजन, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER

CENTRAL EXCISE, JAIPUR-I

Jaipur, the 11th June, 2004

No. 02/CUS(NT) 2004

CUSTOMS

S.O. 1521.—In exercise of the powers conferred by Notification No. 33/94-Customs (NT), dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of Section 152 of Customs Act, 1962. I, Praveen Mahajan, Commissioner of Central Excise, Jaipur-I, hereby declare 'K Block', Sri Ganganagar District, Sri Ganganagar, in the State of Rajasthan to be warehousing station under Section 9 the Customs Act, 1962 for the purpose of setting up 100% E.O.U.

[F.No. V(16)EOU/12/2004]

PRAVEEN MAHAJAN, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 28 जून, 2004

का. आ. 1522.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2006 तक तिरुनेलवेली जिला मध्यवर्ती सहकारी बैंक लि. तमिलनाडु पर लागू नहीं होंगे।

[फा. सं. 1(15)/2002-एसी]

खड्ग सिंह, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 28th June, 2004

S.O. 1522.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Tirunelveli District Central Co-operative Apex Bank Ltd., Tamil Nadu from the date of publication of this notification in the Official Gazette till 31st March, 2006.

[F. No. 1(15)/2002-AC]

KHARG SINGH, Under Secy.

नई दिल्ली, 28 जून 2004

का. आ. 1523.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2005 तक बिहार राज्य सहकारी बैंक लि., बिहार पर लागू नहीं होंगे।

[फा. सं. 1(8)/2004-एसी]

खड्ग सिंह, अवर सचिव

New Delhi, the 28th June, 2004

S.O. 1523.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to The Bihar State Co-operative Bank Ltd., Bihar from the date of publication of this notification in the Official Gazette till 31st March, 2005.

[F. No. 1(8)/2004-AC]

KHARG SINGH, Under Secy.

नई दिल्ली, 28 जून 2004

का. आ. 1524.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2006 तक बुलदाना जिला मध्यवर्ती सहकारी बैंक लि., महाराष्ट्र पर लागू नहीं होंगे।

[फा. सं. 1(9)/2004-एसी]

खड्ग सिंह, अवर सचिव

New Delhi, the 28th June, 2004

S.O. 1524.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on recommendation of the Reserve Bank of India declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to The Buldana District Central Co-operative Bank Ltd., Buldana, from the date of publication of this notification in the Official Gazette till 31st March, 2006.

[F. No. 1(9)/2002-AC]

KHARG SINGH, Under Secy.

भारत मानक ब्यूरो

शुद्धि - पत्र

नई दिल्ली, 25 जून, 2004

का.आ. 1525.—भारत के राजपत्र भाग II खंड 3, उपखंड (ii) असाधारण में प्रकाशित उपभोक्ता मामले खाद्य और सार्वजनिक वितरण मंत्रालय (उपभोक्ता मामले विभाग) भारतीय मानक ब्यूरो नई दिल्ली की

अधिसूचना संख्या सीएमडी-4/13:2 में निम्नलिखित संशोधन किया जाता है :—

संदर्भ : कॉलम 2 (स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक)

का.आ. 664 (अ) दिनांक 5 जून 2004 पृष्ठ सं. 1-2

के लिए	पढ़ें
आईएस 14534:2004	आईएस 14543:2004

[सं. सीएमडी-4/13:2]

ए. एस. जमखिंडीकर, निदेशक एवं प्रमुख (केन्द्रीय मुहर-4)

BUREAU OF INDIAN STANDARDS

CORRIGENDUM

New Delhi, the 25th June, 2004

S.O. 1525.—In the Notification No. CMD-IV/13:2 published in Part II, Section 3-Sub-section (ii) of the Gazette of India Extraordinary by Ministry of Consumer Affairs and Public Distribution (Department of Consumer Affairs) and Bureau of Indian Standards, New Delhi, the following corrections are made:

Ref: Column 2 (No. and year of the Indian Standards Established)

S.O. 664(E) dated 5th June 2004 page No. 1-2

For	Read
IS 14534:2004	IS 14543:2004

[No. CMD-IV/13:2]

A. S. JAMKHINDIKAR, Director & Head
(Central Marks-IV)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 22 जून, 2004

का.आ.1526.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 612 तारीख 10 मार्च 2004, जो भारत के राजपत्र भाग 2, खण्ड 3, उप-खण्ड (ii) तारीख 13 मार्च 2004 पृष्ठ संख्या 1098 से 1099 तक में प्रकाशित की गई थी, में निम्नवत संशोधन करती हैं, अर्थात् :—

उक्त अधिसूचना में, पृष्ठ संख्या 1098 पर, “श्री राकेश कुमार सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, सहारनपुर नजीबाबाद एक्सटेंशन पाइपलाइन परियोजना, एस.डी.एम. लक्सर का कार्यालय, तहसील लक्सर, हरिद्वार (उत्तरांचल)”, शब्दों के स्थान पर, “श्री लोकेन्द्र पाल सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड सहारनपुर-नजीबाबाद एक्सटेंशन पाइपलाइन परियोजना, सक्षम प्राधिकारी का कार्यालय, के-33, पल्लवपुरम, फेस-II, मेरठ (उत्तर प्रदेश)”, शब्द रखे जाएंगे।

[सं. आर.-25011/27/2002-ओ.आर.-1]

रेणुका कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

CORRIGENDUM

New Delhi, the 22nd June, 2004

S.O. 1526.—In exercise of the powers conferred by the Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby amends the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 612 dated the 10th March, 2004, published in the Gazette of India Part-II, Section 3, Sub-section (ii) dated 13th March, 2004 at pages 1098 to 1099 as follows, namely :—

In the said notification, at page 1099 for the words, “Shri Rakesh Kumar Singh, Competent Authority, Indian Oil Corporation Limited, Saharanpur-Najibabad Extension Pipeline Project, Office of the S.D.M. Laksar, Tehsil-Laksar, Haridwar (Uttaranchal)”, the words, “Shri Lokendra Pal Singh, Competent Authority, Indian Oil Corporation Limited, Saharanpur-Najibabad Extension Pipeline Project, Office of the Competent Authority, K-33, Pallavpuram, Phase-II, Meerut (Uttar Pradesh)”, shall be substituted.

[No. R-25011/27/2002-OR-I]

RENUKA KUMAR, Under Secy.

नई दिल्ली, 22 जून, 2004

का. आ. 1527.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के गैस मंत्रालय की अधिसूचना संख्या का. आ. 405 दिनांक 20.02.2004 द्वारा उत्तर प्रदेश राज्य में सहारनपुर से नजीबाबाद तक इण्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पेट्रोलियम उत्पादों के परिवहन हेतु उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियां जनता को दिनांक 12-03-2004 को उपलब्ध करा दी गई थी;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि के उपयोग का अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त होकर इण्डियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील:सहारनपुर

जिला:सहारनपुर

राज्य:उत्तर प्रदेश

गांव	खसरा नं०	क्षेत्रफल		
		हेक्टेयर	आर	सेन्टी आर
1	2	3	4	5
गागलहेड़ी अहतमाल	100	0	07	60

[फा. सं. आर-25011/4/2003-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 22nd June, 2004

S. O. 1527.—Whereas by the Notification of the Government of India in the Ministry of Petroleum and Natural Gas, Published in the Gazette of India vide number S.O. 405 dated 20-02-2004, issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962). (hereinafter referred to as the said Act.), the Central Government declared its intention to acquire the Right of User in the Land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Petroleum products from Saharanpur, to Najibabad in the State of Uttar Pradesh by the Indian Oil Corporation Limited;

And whereas, copies of the said gazette notification were made available to the public on; 12-03-2004;

And, whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act, has submitted his report to the Central Government;

And, whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And, further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : Saharanpur		District : Saharanpur		State : Uttar Pradesh	
Village	Khasra No.	Area			
		Hectare	Are	Centiare	
1	2	3	4	5	
Gagal Heri Ahtmal	100	0	07	60	

[No. R-25011/4/2003-O.R.-I]
RENUKA KUMAR, Under Secy.

नई दिल्ली, 25 जून, 2004

का. आ. 1528.— केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है की उड़िसा राज्य में पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए.

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है की ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है ओर जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए.

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है.

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबन्ध में श्री अशोक कुमार दास, सक्षम प्राधिकारी पारादीप हल्दिया पाइपलाइन परियोजना इंडियन ऑयल कॉरपोरेशन लिमिटेड, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग डिविजन हाउसिंग कम्पलेक्स, मेघडमरू डाकघर - कुरुदा, बालासोर - 756056, (उड़िसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला : बालेसर

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग-मीटर
1	2	3	4	5	6
सोरो	गुड़	618	0	02	40
		6194	0	05	80
		619	0	00	10
		6193	0	04	52
		622	0	12	95
		624	0	00	52
		6191	0	00	57
		623	0	01	45
		678	0	01	72
		676	0	00	38
		683	0	04	20
		682	0	05	10
		681	0	01	12
		677	0	01	60
		504	0	05	04
		199	0	01	19
		498	0	00	34
		200	0	13	69
		201	0	01	33
		203	0	00	20
		202	0	04	00
		204	0	00	10
		205	0	08	86
		207	0	06	37
		233	0	07	73
		234	0	05	15
		264	0	12	48
		265	0	01	69
		267	0	03	40
		266	0	04	01
		85	0	03	17

1	2	3	4	5	6
		95	0	00	77
		100	0	02	45
		101	0	02	72
		103	0	01	53
		105	0	02	49
		115	0	05	92
		116	0	11	62
		113	0	00	10
		112	0	00	37
		117	0	03	74
		118	0	01	48
		122	0	01	12
		123	0	01	58
		124	0	01	82
		125	0	02	13
		121	0	01	35
		127	0	06	99
		128	0	05	93
		131	0	07	63
		132	0	00	10
		141	0	01	66
		142	0	04	33
		140	0	02	30
		892	0	03	33
		893	0	00	10
		891	0	01	32
		894	0	00	37
		895	0	01	22
		896	0	01	65
		890	0	05	07
		889	0	01	95
		1471	0	07	14
		1473	0	00	18
		1464	0	00	77
		1472	0	05	55
		1484	0	02	79
		1503	0	04	01
		1463	0	04	43
		1504	0	09	44

1	2	3	4	5	6
		1537	0	00	10
		1538	0	04	97
		1536	0	02	26
		1553	0	07	24
		1554	0	05	99
		1531	0	01	70
		1555	0	02	32
		1556	0	05	92
		1592	0	00	10
		1583	0	00	58
		1581	0	11	49
		1582	0	00	10
		1585	0	00	79
		1584	0	00	10
		1587	0	01	63
		1586	0	00	10
		1654	0	01	60
		1655	0	03	71
		1653	0	01	38
		1656	0	01	78
		1657	0	03	52
		1658	0	00	67
		1648	0	01	96
		1661	0	04	85
		1662	0	05	23
		1644	0	02	30
		1643	0	02	32
		1660	0	00	10
		1684	0	00	32
		1642	0	01	74
		1641	0	01	24
		1687	0	07	59
		1688	0	01	71
		1686	0	00	39
		1689	0	04	53
		1690	0	01	22
		1196	0	03	08
		1695	0	01	21
		1696	0	00	10

1	2	3	4	5	6
		1694	0	01	92
		1697	0	09	73
		1180	0	00	17
		1177	0	02	81
		2526	0	07	78
		2527	0	04	20
		2528	0	02	74
		2529	0	00	10
		2533	0	08	15
		2535	0	01	05
		2532	0	06	31
		2531	0	04	86
		2581	0	00	27
		2537	0	04	02
		2580	0	07	06
		2579	0	00	10
		2582	0	02	99
		2612	0	02	99
		2611	0	00	48
		2613	0	04	07
		2614	0	00	10
		2615	0	10	73
		2623	0	00	67
		2624	0	00	81
		2621	0	00	88
		2628	0	01	10
		2622	0	03	53
		2625	0	00	10
		2627	0	00	59
		2630	0	05	24
	पाटीमुन्डा	142	0	02	57
		71	0	01	97
		72	0	02	86
		74	0	02	21
		238	0	01	40
		46	0	02	83
		47	0	05	60
		48	0	11	04
		6	0	03	86

1	2	3	4	5	6
		5	0	01	29
		4	0	02	69
	दिनापाही	219	0	05	49
		220	0	16	06
		216	0	03	10
		223	0	17	28
		207	0	00	61
		206	0	05	09
		205	0	04	72
		224	0	01	08
		204	0	04	09
		200	0	06	39
		198	0	00	28
		201	0	00	10
		199	0	11	24
		154	0	19	52
		153	0	05	18
		152	0	00	29
		1	0	03	25
	बालीकतीरन	770	0	02	92
		792	0	01	03
		584	0	01	69
		581	0	03	45
		586	0	02	65
		585	0	03	07
		590	0	11	58
		591	0	00	10
		589	0	00	42
		595	0	06	43
		594	0	01	55
		596	0	05	85
		598	0	02	06
		600	0	02	17
		774	0	01	53
		607	0	11	72
		606	0	06	02
		470	0	00	47
		454	0	09	71
		456	0	03	76

1	2	3	4	5	6
		455	0	00	94
		457	0	06	81
		451	0	00	10
		450	0	00	31
		449	0	01	27
		447	0	06	81
		460	0	01	43
		438	0	03	38
		436	0	09	44
		434	0	00	87
		435	0	00	91
		433	0	01	63
		340	0	01	01
		348	0	06	46
		345	0	01	86
		346	0	09	00
		349	0	03	16
	छद्दपाटी	141	0	03	15
		169	0	01	20
		294	0	03	38
		290	0	04	58
		295	0	01	36
		289	0	16	32
		296	0	00	24
		288	0	16	32
		285	0	08	81
		286	0	07	72
		283	0	03	79
		281	0	00	94
		282	0	05	61
		284	0	06	33
		277	0	02	11
		276	0	05	80
		278	0	02	09
		272	0	07	76
		271	0	00	49
		270	0	00	26
		267	0	00	30
		268	0	09	95

1	2	3	4	5	6
		269	0	00	37
		262	0	02	50
		261	0	02	06
		260	0	04	33
		259	0	05	07
		257	0	01	99
		258	0	02	61
	पोराडिहा	1236	0	03	75
		1237	0	01	58
		1238	0	00	46
		1239	0	06	70
		1240	0	00	10
		1244	0	03	54
		1223	0	04	50
		1222	0	01	75
		1208	0	02	71
		1217	0	02	52
		1216	0	02	15
		1215	0	01	01
		1214	0	02	56
		909	0	03	54
	ब्रह्मपुर	1262	0	00	97
		619	0	07	31
		620	0	00	46
		618	0	03	670
		614	0	04	02
		615	0	00	30
		612	0	01	38
		611	0	04	61
		610	0	01	38
		529	0	17	04
		609	0	01	08
		535	0	01	79
		534	0	01	23
		530	0	00	70
		531	0	00	86
		528	0	02	95
		525	0	10	14
		524	0	00	10

1	2	3	4	5	6
		469	0	15	03
		468	0	13	74
		464	0	01	75
		463	0	01	96
		414	0	03	71
		465	0	01	43
		413	0	02	30
		411	0	08	91
		412	0	03	75
		406	0	14	40
		403	0	04	05
		402	0	00	36
		401	0	05	56
		400	0	00	10
		395	0	01	66
		396	0	03	45
		319	0	10	61
		358	0	04	85
		357	0	00	79
		327	0	03	86
		1245	0	01	77
		328	0	06	11
		330	0	04	07
		332	0	01	23
		333	0	02	87
		334	0	04	80
		337	0	01	78
		336	0	03	46
		206	0	01	59
		200	0	03	31
		198	0	00	99
		197	0	02	50
		180	0	01	37
		179	0	01	99
		49	0	00	19
		50	0	02	14
		178	0	00	80
		177	0	01	02
		176	0	04	68

1	2	3	4	5	6
		175	0	00	28
		168	0	00	11
		169	0	06	67
		158	0	01	03
		170	0	01	56
		157	0	04	00
		151	0	01	24
		156	0	00	47
		152	0	04	68
		154	0	03	17
		153	0	03	80
		155	0	00	15
		142	0	00	10
		143	0	02	25
		144	0	01	22
		145	0	02	02
		146	0	00	89
		143	0	01	98
		144	0	01	49
		145	0	02	02
		127	0	00	55
		107	0	01	13
		108	0	06	11
		106	0	01	88
		109	0	01	62
		110	0	03	36
		1221	0	01	13
		96	0	11	06
		99	0	04	55
		931	0	01	30
		992	0	03	98
		993	0	03	57
		994	0	02	25
		995	0	02	18
		996	0	04	59
		997	0	05	07
		1002	0	09	52
		1220	0	01	43
	अन्जी	1333	0	01	63

1	2	3	4	5	6
		1335	0	03	53
		1339	0	00	14
		1336	0	01	21
		1338	0	13	25
		1341	0	11	22
		1342	0	04	31
		1346	0	03	90
		1352	0	01	97
		1347	0	05	98
		1351	0	05	04
		1353	0	00	10
		1350	0	05	28
		2954	0	00	47
		1349	0	00	10
		2793	0	02	30
		2791	0	01	29
		2794	0	11	63
		2927	0	00	53
		2928	0	02	12
		2804	0	04	15
		2807	0	00	77
		2806	0	00	67
		2805	0	02	86
		2789	0	00	10
		2819	0	01	73
		2821	0	02	02
		2820	0	02	29
		2825	0	04	81
		2779	0	00	81
		2776	0	03	16
		2726	0	00	76
		2772	0	00	75
		2771	0	05	04
		2770	0	01	94
		2769	0	05	66
		2768	0	08	17
		2840	0	02	27
		2762	0	01	47
		2767	0	00	10

1	2	3	4	5	6
		2761	0	07	89
		2760	0	03	30
		2634	0	29	39
		2635	0	00	10
		2484	0	00	10
		2483	0	02	63
		2636	0	00	10
		2482	0	02	90
		2638	0	01	91
		2480	0	05	42
		2950	0	02	38
		2479	0	02	68
		2478	0	00	83
		2463	0	07	34
		2464	0	14	60
		2414	0	08	48
		2405	0	05	16
		2404	0	01	43
		2403	0	01	53
		2406	0	00	73
		2383	0	03	73
		2384	0	02	94
		2382	0	03	14
		2381	0	10	33
		2368	0	09	74
		2367	0	00	83
		2339	0	03	04
		2355	0	12	61
		2356	0	01	76
		2352	0	01	89
		2353	0	02	61
		2354	0	00	34
		2356	0	06	75
		2355	0	12	61
		2241	0	03	00
		2240	0	04	49
		2245	0	00	10
		2238	0	10	36
		2239	0	03	40

1	2	3	4	5	6
		2237	0	03	33
		2236	0	01	33
	साहसपुरा	2927	0	03	34
		2928	0	00	10
		2926	0	01	22
		2925	0	01	00
		2924	0	04	27
		2929	0	00	44
	रतभन्जपुर	7	0	01	74
		8	0	02	88
		6	0	08	21
		9	0	01	73
		5	0	03	95
		15	0	00	41
		4	0	03	70
		407	0	00	17
	कान्हेओगालपुर	677	0	01	60
		713	0	02	56
		714	0	07	36
		712	0	06	42
		711	0	00	10
		708	0	08	28
		685	0	02	19
		685	0	02	94
		707	0	02	01
		705	0	01	29
		706	0	02	18
		686	0	02	27
		692	0	01	25
		690	0	00	76
		691	0	00	21
		693	0	05	44
		673	0	01	31
		696	0	00	77
		695	0	02	67
		694	0	00	28
		744	0	02	33
		743	0	06	03
		745	0	03	12

1	2	3	4	5	6
		1091	0	00	72
		742	0	02	93
		747	0	01	15
		758	0	04	61
		757	0	01	68
		759	0	04	38
		765	0	01	13
		763	0	02	02
		761	0	02	23
		762	0	05	76
		791	0	00	91
		792	0	01	09
		793	0	04	17
		787	0	02	15
		1070	0	00	48
		779	0	13	60
		781	0	08	41
		1104	0	02	17
		794	0	00	42
		1105	0	02	77
		1027	0	01	01
		1026	0	00	54
		1025	0	00	80
		855	0	00	62
		856	0	00	85
		860	0	14	25
		861	0	01	41
		858	0	00	10
		863	0	05	91
		887	0	00	97
		890	0	00	73
		889	0	05	10
		888	0	05	82
		917	0	00	14
		898	0	00	20
		915	0	02	73
		916	0	05	06
		920	0	04	30
		913	0	01	89

1	2	3	4	5	6
		912	0	05	41
		908	0	04	42
		910	0	01	05
		909	0	03	10
		907	0	00	10
		940	0	02	83
		941	0	08	03
		942	0	07	23
		943	0	01	17
	रानीगन्ज	923	0	00	10
		924	0	06	22
		933	0	00	10
		932	0	15	59
		961	0	10	42
		955	0	10	25
		954	0	09	29
		952	0	00	10
		951	0	11	56
		979	0	03	20
		981	0	05	52
		980	0	00	72
		982	0	01	07
		983	0	06	93
		989	0	05	39
		990	0	02	47
		991	0	00	45
		988	0	05	03
		992	0	03	51
		993	0	08	41
		860	0	24	32
		859	0	02	15
		857	0	00	10
		833	0	06	93
		834	0	04	62
		831	0	02	11
		835	0	04	18
		836	0	02	96
		830	0	05	01
		829	0	08	02

1	2	3	4	5	6
		827	0	00	80
		488	0	07	25
	करन्जाबान्धा	1856	0	01	81
		1855	0	06	22
		1945	0	01	11
		1854	0	05	34
		1853	0	06	26
		1844	0	00	10
		1847	0	07	33
		1848	0	00	78
		1759	0	10	43
		1796	0	00	10
		1797	0	01	24
		1795	0	02	94
		1760	0	04	69
		1761	0	04	23
		1747	0	03	86
		1748	0	00	39
		1746	0	11	08
		1742	0	08	66
		1743	0	00	10
		1744	0	00	10
		1689	0	12	53
		1692	0	11	14
		1691	0	04	09
		1705	0	01	44
		1695	0	00	34
		1703	0	02	04
		1704	0	01	75
		1698	0	00	45
		1697	0	01	50
		1703	0	08	96
		1072	0	02	88
		1206	0	00	50
		1073	0	04	91
		1205	0	01	41
		1074	0	01	56
		1204	0	07	47
		1203	0	02	16

1	2	3	4	5	6
		1202	0	00	95
		1201	0	06	78
		1169	0	05	76
		1170	0	05	57
		1171	0	06	21
		1172	0	06	01
		1173	0	00	10
		1197	0	04	35
		1176	0	07	32
		1174	0	00	87
		1175	0	00	20
		978	0	09	38
		977	0	03	96
		976	0	05	08
		975	0	02	46
		974	0	04	02
		705	0	00	78
		706	0	03	69
		707	0	12	24
		708	0	03	30
		710	0	04	56
		711	0	04	21
		712	0	04	29
		900	0	03	57
		899	0	03	29
		734	0	02	33
		733	0	02	70
		735	0	02	03
		731	0	00	27
		732	0	00	36
		740	0	02	46
		730	0	00	10
		741	0	01	66
		746	0	02	36
		742	0	02	01
		745	0	04	28
		750	0	07	45
		751	0	01	11
		744	0	00	10

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		756	0	00	43
		755	0	04	93
		758	0	05	15
		759	0	04	02
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		282	0	06	18
		283	0	05	27
		285	0	05	20
		286	0	04	76
		295	0	00	57
		296	0	00	22
		294	0	01	19
		297	0	14	56
		298	0	00	96
		251	0	01	64
		253	0	00	32
		2015	0	01	11
		2003	0	00	53
		247	0	01	08
		246	0	03	99
		245	0	00	78
		235	0	05	80
		234	0	05	59
		215	0	00	10
		212	0	00	98
		214	0	07	00
		211	0	04	54
		210	0	00	89
		209	0	05	80
		190	0	00	83
		158	0	01	71
		104	0	02	82
		105	0	02	69
		106	0	08	35
		89	0	01	83
		107	0	28	40
		108	0	04	15
		1994	0	02	84
		113	0	14	41

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	डोलपुर	832	0	10	82
		831	0	03	95
		833	0	02	00
		830	0	01	53
		834	0	04	04
		835	0	02	32
		829	0	08	46
		828	0	02	33
		827	0	02	98
		824	0	09	90
		825	0	02	57
		826	0	02	04
		797	0	02	05
		798	0	02	59
		794	0	02	86
		799	0	01	46
		793	0	05	82
		792	0	02	12
	फतेहपुर	904	0	02	12
		908	0	00	49
		909	0	04	68
		928	0	00	43
		929	0	00	20
		910	0	02	91
		911	0	02	90
		912	0	02	07
		927	0	06	73
		919	0	00	11
		921	0	06	47
		851	0	07	91
		852	0	00	10
		848	0	02	98
		849	0	02	07
		847	0	02	83
		846	0	01	89
		991	0	02	46
		844	0	05	69
		842	0	06	13

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		840	0	02	39
		832	0	01	87
		830	0	07	12
		829	0	00	94
		827	0	05	67
		824	0	00	10
	कल्याणी	1314	0	01	36
		1311	0	08	96
		4023	0	01	35
		1310	0	07	87
		1308	0	00	10
		1303	0	05	65
		1309	0	03	55
		1301	0	13	05
		1302	0	00	39
		1284	0	09	66
		1287	0	00	10
		1286	0	06	38
		1279	0	02	12
		1273	0	04	15
		1271	0	02	56
		1272	0	04	87
		1269	0	01	26
		602	0	01	33
		605	0	06	92
		607	0	00	79
		609	0	00	53
		606	0	07	19
		610	0	08	21
		595	0	07	60
		584	0	03	92
		585	0	04	00
		586	0	03	32
		414	0	11	24
		417	0	11	09
		416	0	01	49
		415	0	00	27
		419	0	05	41

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		399	0	02	28
		393	0	02	31
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		396	0	03	10
		391	0	01	35
		384	0	00	10
		385	0	04	08
		386	0	05	19
		372	0	05	61
		373	0	03	43
		374	0	03	19
		375	0	03	48
		198	0	01	96
		199	0	02	72
		197	0	03	28
		196	0	04	16
		195	0	04	12
		210	0	05	85
		161	0	05	84
		210	0	00	10
		211	0	00	86
		160	0	06	36
		159	0	04	77
		158	0	01	31
		156	0	10	58
		155	0	02	32
		83	0	00	90
		82	0	01	54
		81	0	00	73
		34	0	02	84
		35	0	05	66
		31	0	04	79
		29	0	11	36
	नौपुर	1178	0	11	12
		1179	0	02	47
		1180	0	00	14
		1181	0	00	10

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		1185	0	04	26
		1186	0	05	76
		1187	0	02	34
		1188	0	00	41
		1172	0	02	11
		1168	0	00	10
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		1165	0	00	52
		1167	0	00	94
		1164	0	03	08
		1120	0	00	10
		1121	0	01	28
		1122	0	01	31
		1123	0	05	57
		1125	0	09	92
		1124	0	02	76
		1126	0	00	10
		4051	0	07	25
		1131	0	04	10
		1134	0	02	34
		1132	0	04	75
		1111	0	03	00
		1108	0	03	09
		1107	0	04	42
		1106	0	02	97
		292	0	04	66
		297	0	11	07
		299	0	07	33
		4057	0	03	01
		300	0	07	45
		235	0	04	07
		236	0	05	10
		252	0	07	30
		253	0	06	62
		251	0	07	95
		248	0	00	46
		250	0	03	76
		249	0	00	10

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		33	0	03	96
		35	0	02	68
		4095	0	03	49
		36	0	03	73
		38	0	03	04
		21	0	01	52
		20	0	01	20
		4078	0	03	66
		19	0	01	81
		39	0	02	15
		43	0	02	21
		18	0	07	37
		17	0	11	85
		16	0	00	80
		11	0	01	88
		13	0	01	83
		12	0	01	67
		7	0	04	10
		6	0	04	47
	सालागन	1300	0	00	64
		1299	0	00	10
		1298	0	03	43
		1297	0	04	50
		1295	0	04	23
		1290	0	02	50
		1296	0	00	14
		1291	0	05	20
		1294	0	00	51
		1293	0	02	63
		1224	0	00	92
		1225	0	08	96
		1226	0	00	10
		1222	0	01	32
		1223	0	03	82
		1221	0	05	38
		1203	0	37	01
		1206	0	00	24
		1205	0	00	10

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		1202	0	02	98
		1160	0	12	63
		484	0	02	82
		485	0	01	97
		474	0	02	59
		473	0	10	34
		472	0	01	62
		471	0	00	67
		470	0	00	10
		465	0	01	55
		464	0	06	34
		431	0	00	10
		432	0	00	10
		463	0	04	80
		462	0	01	76
		437	0	11	88
		438	0	03	61
		439	0	05	14
		440	0	04	71
		399	0	08	55
		398	0	00	10
		400	0	04	26
		401	0	05	93
		232	0	11	19
		233	0	00	10
		234	0	04	01
		226	0	12	92
		235	0	00	10
		225	0	01	84
		221	0	03	30
		224	0	01	16
		222	0	03	44
		219	0	04	30
		218	0	01	72
		216	0	04	28
		185	0	07	53
		1425	0	01	96
		1426	0	03	94

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		183	0	05	10
		142	0	12	01
		140	0	06	23
		136	0	15	22
		137	0	03	20
		7	0	00	80
		6	0	02	23
		5	0	00	74
		1	0	01	77
	ओडसाल	746	0	00	49
		742	0	02	27
		743	0	05	21
		745	0	00	10
		744	0	00	87
		739	0	01	76
		740	0	05	02
		741	0	03	53
		729	0	03	96
		730	0	01	20
		728	0	01	10
		542	0	00	10
		537	0	00	38
		536	0	02	88
		535	0	01	79
		525	0	01	64
	नारायनबारा	453	0	04	76
		1382	0	04	18
		1381	0	01	40
		1367	0	08	10
		1379	0	02	16
		1378	0	02	32
		1368	0	00	61
		1369	0	00	10
		1377	0	04	21
		1387	0	19	14
		1389	0	00	25
		1375	0	01	81
		1390	0	01	65
		1392	0	03	74

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बालेसर	श्रीजन्म	1970	0	13	78
		1971	0	00	20
		1969	0	01	94
		1968	0	00	66
		1967	0	01	57
		1966	0	03	15
		1965	0	00	20
		1943	0	25	70
		1942	0	03	95
		1941	0	02	28
		1940	0	08	63
		1911	0	03	84
		1912	0	05	93
		4910	0	02	99
		5358	0	00	72
		4909	0	03	24
		4911	0	00	87
		1910	0	00	20
		1908	0	07	94
		1907	0	00	10
		1903	0	02	01
		1902	0	01	52
		1901	0	06	86
		1897	0	04	99
		1898	0	03	85
		1885	0	01	20
		1853	0	03	74
		1852	0	13	37
		1854	0	01	36
		1849	0	08	24
		1848	0	07	90
		1798	0	17	43
		1797	0	01	08
		1796	0	07	71
		1795	0	08	66
		1794	0	08	94
		1793	0	06	18
		4944	0	04	37
		1792	0	01	48

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		1726	0	03	99
	चक श्रीरामपुर	17	0	07	84
		16	0	09	78
		11	0	07	51
		13	0	07	89
		14	0	03	10
		80	0	04	52
		63	0	07	21
		4	0	07	92
		3	0	02	95
		27	0	00	10
		61	0	01	51
	बोईता	2706	0	03	48
		2566	0	02	64
		2567	0	02	63
		2572	0	02	65
		2571	0	02	45
		2570	0	02	54
		2574	0	06	35
		2531	0	01	95
		2530	0	01	73
		2524	0	01	12
		2525	0	03	08
		2527	0	04	36
		2528	0	04	22
		2511	0	00	25
		2510	0	00	10
		2512	0	03	53
		2513	0	05	82
		2495	0	00	10
		2494	0	04	82
		2740	0	01	53
		2493	0	06	74
		2492	0	05	63
		2497	0	00	35
		2480	0	10	04
		2489	0	01	20
		2488	0	05	28

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		2481	0	08	66
		2487	0	09	15
		2019	0	02	62
		2014	0	46	88
		1989	0	06	46
		1992	0	02	36
		1991	0	00	65
		1993	0	00	66
		1994	0	07	29
		1998	0	01	40
		1997	0	03	01
		1999	0	05	00
		2000	0	00	26
		1996	0	02	06
		2003	0	08	95
		2002	0	00	10
		2004	0	02	58
		120	0	00	10
	राहानीयागडीया	120	0	00	10
		121	0	02	26
		122	0	00	43
		119	0	05	03
		114	0	04	03
		123	0	04	49
		174	0	00	20
		173	0	01	10
		172	0	04	95
		180	0	01	36
		182	0	00	10
		183	0	00	82
		184	0	01	46
		214	0	04	93
		170	0	03	70
		163	0	04	47
		162	0	00	10
		160	0	01	23
		159	0	02	31
		158	0	00	68
		157	0	03	82

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		136	0	03	31
		137	0	00	61
		138	0	04	34
		97	0	01	28
		96	0	07	61
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		93	0	00	88
		94	0	01	59
		91	0	00	46
		90	0	02	71
		92	0	01	23
		209	0	01	52
		34	0	03	92
		35	0	03	74
		60	0	08	53
		59	0	02	03
		37	0	01	63
		44	0	03	78
		46	0	06	27
		47	0	00	10
	गम्भारिया	1359	0	15	75
		1360	0	09	88
		1361	0	02	17
		1358	0	00	10
		1364	0	05	96
		1354	0	02	09
		1368	0	04	90
		1369	0	03	11
		2637	0	04	39
		1421	0	00	23
		1422	0	03	54
		1425	0	02	15
		1426	0	02	43
		1424	0	01	36
		1428	0	01	82
		1429	0	02	31

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		1431	0	01	67
		1432	0	01	60
		1524	0	00	53
		1523	0	02	36
		1513	0	05	85
		2620	0	00	20
		1512	0	01	58
		1511	0	02	37
		1510	0	05	33
		1509	0	02	30
		1508	0	02	95
		1502	0	00	28
		2549	0	01	11
		1503	0	04	41
		1500	0	00	81
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		2585	0	05	12
		1499	0	01	32
		1498	0	03	59
		1497	0	04	50
		1494	0	01	21
		1496	0	04	04
		1495	0	00	10
		1604	0	04	08
		1616	0	03	17
		1701	0	00	10
		1617	0	04	54
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		1619	0	01	85
		1620	0	02	43
		1622	0	01	85
		1623	0	03	85
		1624	0	03	20
		1628	0	01	96
		1666	0	04	63
		1664	0	00	17
		1665	0	02	77

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		1668	0	00	31
		1662	0	05	06
		1657	0	02	73
		1651	0	05	89
		1650	0	07	18
		1649	0	05	74
		1647	0	04	46
		1646	0	01	27
		2501	0	00	41
		2502	0	04	27
		1645	0	00	10
		2503	0	05	00
		2506	0	01	48
		2504	0	00	11
		2505	0	01	66
	तुन्डरा	774	0	00	74
		776	0	03	37
		777	0	01	54
		779	0	01	61
		781	0	01	44
		5653	0	02	69
		783	0	01	94
		784	0	01	87
		786	0	04	11
		819	0	05	73
		4967	0	01	45
		818	0	06	64
		816	0	11	37
		815	0	09	35
		814	0	01	18
		813	0	04	40
		812	0	02	69
		810	0	00	43
		809	0	01	71
		847	0	09	78
		852	0	03	44
		851	0	01	16
		850	0	02	39

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		872	0	00	16
		870	0	16	02
		4045	0	03	52
		4812	0	00	58
		4813	0	00	90
		865	0	03	33
	कौनपूर	220	0	02	23
		221	0	00	43
		216	0	16	41
		211	0	00	11
		210	0	06	11
		209	0	00	10
		208	0	02	82
		184	0	03	93
		185	0	02	63
		207	0	00	10
		206	0	01	36
		205	0	04	03
		204	0	07	18
		202	0	00	10
		203	0	00	44
		192	0	06	52
		196	0	06	26
		302	0	00	94
		303	0	00	74
		304	0	00	90
		544	0	01	60
		536	0	04	88
		537	0	04	18
		532	0	02	12
		531	0	02	71
		524	0	00	90
		523	0	00	10
		525	0	10	94
		519	0	04	22
		518	0	00	38
		514	0	04	97
		513	0	02	23

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		512	0	02	14
		511	0	00	18
		562	0	00	15
		565	0	10	42
		569	0	07	67
		567	0	01	77
		568	0	07	94
		695	0	03	39
		570	0	00	10
		571	0	00	93
		694	0	01	02
		688	0	05	36
		692	0	03	26
		691	0	06	59
		1567	0	03	90
		1479	0	00	35
		689	0	11	60
		684	0	01	53
		685	0	06	05
		670	0	08	76
		671	0	01	72
		668	0	07	36
		667	0	03	90
		793	0	03	31
		666	0	01	52
	भीमपुर	162	0	08	96
		161	0	04	94
		157	0	04	65
		156	0	04	18
		155	0	00	10
		149	0	05	54
		150	0	02	31
		145	0	07	49
		143	0	03	15
		136	0	04	58
		137	0	03	18
		130	0	05	60
		4385	0	04	90

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		105	0	00	12
		107	0	00	10
		121	0	13	36
		111	0	03	30
		110	0	03	07
		109	0	02	69
		89	0	02	65
		87	0	03	88
		80	0	05	72
		78	0	00	10
		79	0	02	94
		77	0	00	31
		4698	0	03	94
		62	0	00	10
		61	0	04	51
		60	0	01	10
		59	0	01	04
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		54	0	00	16
		56	0	05	24
		4764	0	01	64
		58	0	00	56
		4763	0	01	26
		57	0	03	20
		35	0	01	03
		33	0	04	04
		34	0	02	72
		22	0	00	40
		25	0	07	09
		29	0	07	26
		28	0	01	73
		268	0	09	08
		275	0	08	13
		4579	0	01	32
		276	0	04	50
		1	0	01	45
		26	0	01	24
		27	0	03	56

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	चान्दिपुर	525	0	03	26
		421	0	02	35
		585	0	00	85
		422	0	03	90
		419	0	00	34
		420	0	06	26
		423	0	00	34
		413	0	02	36
		414	0	03	62
		415	0	01	16
		411	0	00	43
		410	0	04	14
		356	0	05	59
		354	0	04	56
		357	0	03	95
		353	0	00	10
		508	0	00	50
		352	0	04	69
		350	0	01	95
		351	0	03	45
		348	0	05	27
		582	0	00	10
	हलियापाड़ा	491	0	00	55
		492	0	05	32
		494	0	05	74
		519	0	00	33
		495	0	04	29
		446	0	03	33
		447	0	03	21
		450	0	04	06
		521	0	00	22
		522	0	03	54
		523	0	00	51
		451	0	06	18
		452	0	01	74
		445	0	04	36
		408	0	04	00
		407	0	04	77
		414	0	07	75

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		416	0	00	20
		404	0	06	41
		344	0	04	41
		341	0	05	09
		343	0	00	10
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		313	0	03	80
		312	0	00	17
		336	0	00	10
		314	0	03	85
		321	0	00	22
		315	0	04	99
		545	0	00	50
		316	0	01	12
	साहाजानगर	48	0	01	80
		1684	0	01	36
		1685	0	01	07
		47	0	04	76
		45	0	05	23
		46	0	00	10
		44	0	03	14
		43	0	03	63
		41	0	04	26
		38	0	03	40
		36	0	01	29
		39	0	01	27
		1495	0	04	39
		35	0	01	66
		32	0	01	46
		33	0	02	35
		22	0	05	04
		25	0	00	36
		23	0	00	34
		24	0	03	22

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		15	0	00	10
		14	0	04	04
		13	0	01	87
		1440	0	01	81
		1439	0	01	63
		1438	0	00	82
		10	0	00	10
		7	0	09	33
		5	0	03	21
		1	0	01	42
	जयदेवकस्वा	2282	0	01	06
		2286	0	08	89
		2287	0	06	86
		2285	0	19	93
		2318	0	07	66
		5045	0	00	10
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		3056	0	00	81
		5345	0	04	97
		3052	0	00	71
		3051	0	02	56
		2342	0	02	53
		3046	0	05	15
		3045	0	05	55
		3041	0	02	23

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		3023	0	00	47
		3017	0	01	98
		3016	0	03	62
		3013	0	08	71
		3004	0	05	36
		3003	0	12	65
		2998	0	03	60
		2997	0	02	88
		2963	0	03	76
		2962	0	00	59
		2980	0	01	85
		2965	0	03	96
		2981	0	00	40
		2967	0	04	25
		2969	0	02	95
		2968	0	00	10
		5587	0	02	88
		2976	0	04	27
		2971	0	04	16
		2904	0	01	98
		2905	0	01	98
		2901	0	03	63
		2899	0	03	44
		2840	0	00	68
		2829	0	04	60
		2839	0	01	32
		2830	0	00	60
		2831	0	00	87
		2838	0	01	49
		5547	0	00	76
		2837	0	01	74
		5365	0	03	14
		2804	0	03	18
		2803	0	05	83
		2802	0	00	10
		2801	0	00	83
		2798	0	06	13

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		2797	0	05	26
		2796	0	01	74
		5505	0	09	96
		2755	0	08	52
		2795	0	00	10
		2760	0	08	40
		2761	0	00	10
		532	0	04	04
		531	0	08	31
	भाजहीकीया	92	0	01	70
		93	0	03	62
		88	0	05	80
		87	0	02	87
		86	0	02	47
		85	0	02	03
		84	0	02	53
		59	0	07	40
		96	0	00	10
		97	0	00	10
		58	0	00	30
		57	0	00	83
		56	0	05	03
		18	0	09	83
		19	0	07	99
		9	0	05	52
		24	0	05	07
		26	0	03	83
		1015	0	00	53
		1023	0	07	14
		27	0	03	44
		29	0	04	38
		993	0	00	53
		30	0	00	90
	पुरुषोत्तमपुर	60	0	06	40
		61	0	03	37
		63	0	05	68
		64	0	04	94
		65	0	06	45

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	बाराकिया	112	0	06	11
		111	0	07	29
		105	0	01	27
		104	0	00	10
		110	0	08	50
		109	0	04	40
		106	0	02	10
		103	0	05	23
		1672	0	07	99
		78	0	04	88
		82	0	03	97
		1278	0	01	10
		81	0	04	53
		84	0	01	40
		1690	0	04	14
		1689	0	00	89
		67	0	01	86
		201	0	05	88
		1746	0	02	32
		1694	0	00	70
		1778	0	04	92
		203	0	00	49
		202	0	03	11
		205	0	04	61
		206	0	03	62
		207	0	02	62
		1867	0	00	10
		209	0	00	40
		208	0	08	54
		210	0	02	04
		1687	0	00	34
		32	0	02	77
		31	0	01	04
		30	0	09	22
		29	0	01	81
		22	0	20	73
		222	0	00	10
		28	0	00	20
		25	0	01	75

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		5	0	02	74
		314	0	00	10
		313	0	06	97
		312	0	08	73
		307	0	00	40
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		308	0	00	39
		342	0	01	59
		331	0	01	08
		341	0	05	01
		339	0	00	91
		340	0	02	42
		338	0	01	47
		337	0	00	23
		336	0	11	72
		344	0	00	28
		335	0	01	12
		1	0	03	29
	पदमपुर	462	0	03	78
		505	0	02	98
		511	0	02	06
		513	0	01	68
		512	0	01	58
		532	0	01	75
		533	0	01	24
		535	0	06	66
		534	0	00	75
		536	0	06	98
		537	0	00	13
		508	0	00	29
		582	0	04	80
		583	0	02	73
		580	0	01	67
		584	0	01	45
		615	0	05	89
		604	0	01	77
		605	0	01	69
		609	0	01	69

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		607	0	02	30
		608	0	02	88
		1822	0	05	19
		1874	0	06	37
		1878	0	04	46
		1877	0	00	33
		1872	0	01	46
		1879	0	03	37
		1880	0	00	87
		1870	0	05	95
		1881	0	07	81
		2019	0	00	57
		1907	0	06	40
		1908	0	00	68
		1906	0	06	33
		1916	0	07	43
		1917	0	00	10
		1915	0	00	10
		1914	0	06	26
		1913	0	08	63
		1925	0	01	07
		1963	0	00	98
		1962	0	01	57
		1961	0	08	92
		1964	0	00	10
		1960	0	09	93
		1954	0	01	31
		1953	0	08	99
		2092	0	01	14
		2086	0	01	74
		2087	0	00	20
		2091	0	16	35
		2096	0	00	22
		2095	0	00	10
		2482	0	05	50
		2481	0	03	39
		2479	0	04	01
		2478	0	00	45

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		2474	0	01	84
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		2466	0	07	43
		2473	0	01	08
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		2457	0	12	20
		2453	0	09	75
		2452	0	00	68
		2451	0	05	11
		2448	0	05	31
		2438	0	02	71
		2437	0	01	77
		2449	0	00	10
		2436	0	01	29
		2405	0	02	31
		2399	0	02	01
		2404	0	09	91
		2403	0	00	10
	तलपाडा	549	0	01	16
		551	0	00	10
		550	0	02	84
		552	0	00	43
		553	0	02	40
		554	0	05	01
		627	0	07	32
		560	0	09	36
		561	0	00	82
		562	0	00	20
		569	0	00	69
		568	0	04	67
		571	0	05	24
		572	0	05	55
		574	0	05	32
		573	0	00	17
		580	0	02	40
		581	0	05	16
		519	0	05	50

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		516	0	00	10
		518	0	11	35
		510	0	00	29
		508	0	00	89
		509	0	07	74
		507	0	02	32
		493	0	00	30
		494	0	04	22
		496	0	08	72
		497	0	08	37
		185	0	00	13
		186	0	05	70
		464	0	05	18
		461	0	01	72
		462	0	00	25
		460	0	02	62
		434	0	06	16
		435	0	03	97
		436	0	03	23
		438	0	00	30
		437	0	06	28
		399	0	01	80
		371	0	00	47
		372	0	06	86
		370	0	08	60
		662	0	01	13
		375	0	00	95
		663	0	04	07
		365	0	00	31
		379	0	04	30
		625	0	08	71
		356	0	00	64
		357	0	00	10
		355	0	08	85
		358	0	01	54
		308	0	02	45
		647	0	00	81
		354	0	01	42

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		350	0	02	68
		352	0	00	10
		351	0	03	98
		317	0	04	80
		318	0	00	84
		320	0	01	64
		319	0	03	43
		322	0	03	30
		1815	0	01	80
		1816	0	05	21
		3031	0	01	12
		5004	0	11	94
		3029	0	01	33
		3026	0	04	74
		3024	0	01	65
		3025	0	00	57
		3023	0	02	65
		3020	0	00	15
		3022	0	02	16
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		2284	0	03	06
		5690	0	01	98
		5470	0	00	10
		2279	0	02	11
		2268	0	02	65
		2269	0	01	75
		2270	0	02	26
		2271	0	06	73
		2272	0	01	54
		2274	0	06	00
		2276	0	00	10
		2254	0	01	19
		5249	0	00	15
		2255	0	00	89
		2252	0	03	54
		5282	0	02*	22

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		2253	0	02	73
		2341	0	01	59
		2319	0	02	20
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		2318	0	06	00
		2326	0	03	86
		2329	0	03	09
		2327	0	00	10
		2330	0	04	15
		2332	0	00	79
		2333	0	08	43
		2336	0	09	07
		5549	0	00	83
		2348	0	01	95
		2347	0	11	50
		2346	0	00	86
		2350	0	04	33
		2351	0	01	40
	रानासाही	2621	0	14	60
		2582	0	00	86
		2616	0	08	08
		2617	0	01	48
		2615	0	00	17
		2614	0	04	96
		2636	0	00	17
		2613	0	01	27
		2611	0	00	57
		2612	0	05	36
		2608	0	04	96
		2607	0	12	32
		2441	0	14	74
		2439	0	02	22
		2437	0	01	43
		2436	0	01	33
		2435	0	03	45
		2329	0	00	10
		2330	0	12	84
		2434	0	00	46

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		2338	0	08	82
		2332	0	01	90
		2334	0	02	79
		2333	0	02	16
		2398	0	10	43
		2383	0	11	28
		2384	0	00	10
		2386	0	00	10
		2371	0	00	77
		2387	0	08	77
		2249	0	14	47
		2246	0	02	08
		2245	0	06	14
		4144	0	07	55
		2244	0	00	49
		2249	0	14	48
		4434	0	00	10
		2248	0	00	10
		2253	0	08	91
		2250	0	00	49
		4408	0	00	10
		2251	0	00	10
		4261	0	03	25
		2255	0	00	38
		2256	0	02	13
		2257	0	02	24
		2258	0	01	76
		2259	0	01	02
		2266	0	04	03
		2262	0	00	81
		2263	0	02	97
		2264	0	00	94
		2069	0	01	50
		2070	0	07	41
		2229	0	06	30
		2226	0	00	10
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		3925	0	09	67

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		2219	0	06	85
		2216	0	08	94
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		2903	0	01	42
		2904	0	11	83
		2908	0	00	25
		2907	0	00	10
		2905	0	05	69
		2906	0	04	40
		1322	0	01	14
		4189	0	02	52
	हिरण्मय	2110	0	04	96
		2111	0	04	16
		2112	0	07	18
		2109	0	15	43
		2113	0	03	06
		2114	0	01	40
		2115	0	00	93
		5606	0	00	10
		5633	0	01	45
		2177	0	00	59
		2021	0	13	67
		5524	0	06	16
		2020	0	05	63
		2019	0	01	27
		2018	0	01	96
		2017	0	00	10
		1978	0	14	15
		1977	0	05	98
		1974	0	02	48

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		1966	0	05	27
		1963	0	03	01
		1960	0	03	96
		1957	0	03	18
		1698	0	03	40
		1699	0	03	58
		1956	0	00	10
		1700	0	00	80
		5555	0	02	03
		1954	0	05	04
		1703	0	03	44
		1710	0	02	75
		1711	0	03	71
		5569	0	08	90
		1713	0	00	97
		1714	0	02	66
		1715	0	03	18
		5525	0	00	39
		1716	0	03	49
		1919	0	26	21
		1906	0	05	99
		1907	0	06	34
		1901	0	03	12
		1900	0	03	12
		1895	0	04	63
		1894	0	02	87
		1887	0	05	05
		1882	0	00	91
		1883	0	01	84
		1860	0	03	21
		1867	0	00	10
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		1862	0	03	92
		1850	0	04	18
		1851	0	04	73
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		1841	0	05	16

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		1827	0	03	76
		1826	0	03	25
		1817	0	02	74
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		1795	0	01	19
		1718	0	02	61
		1799	0	03	63
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		1812	0	17	70
		1811	0	01	26
		418	0	00	10
		421	0	14	45
		409	0	04	13
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		407	0	07	45
		406	0	00	96
		391	0	01	22
		390	0	00	87
		379	0	08	34
		373	0	01	05
		381	0	03	81
		380	0	07	78
		386	0	09	13
		382	0	01	11
		383	0	02	12
		190	0	02	57
		191	0	02	79
		175	0	16	43
		172	0	00	20
		176	0	00	32
		174	0	01	56
		173	0	08	43
		177	0	01	92

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		179	0	16	35
		180	0	10	37
		181	0	00	24
		157	0	00	67
		156	0	24	77
		158	0	06	97
		250	0	02	92
		273	0	01	42
		274	0	02	40
		275	0	00	16
		277	0	01	85
		271	0	00	16
		278	0	02	37
		279	0	01	39
		280	0	02	20
		284	0	00	92
		283	0	12	24
		285	0	03	79
		286	0	01	86
		182	0	04	43
	पत्रापाड़ा	825	0	03	62
		824	0	05	04
		802	0	06	39
		800	0	04	78
		796	0	05	64
		795	0	01	35
		794	0	03	35
		791	0	06	30
		790	0	06	07
		786	0	05	38
		785	0	11	29
		781	0	07	60
		773	0	06	22
		779	0	04	84
		772	0	05	89
		760	0	07	31
		757	0	01	52
		758	0	06	54

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		754	0	07	85
		745	0	00	10
		746	0	04	59
		747	0	06	48
		1218	0	07	97
		741	0	10	89
		739	0	07	95
		737	0	12	03
		736	0	04	91
		730	0	02	16
		677	0	02	40
		676	0	02	00
पुराना बालेसर		854	0	04	17
		857	0	04	07
		859	0	02	84
		858	0	00	10
SE		1165	0	09	68
EE		868	0	05	18
ES		870	0	01	58
FF		873	0	03	51
GG		880	0	03	79
		879	0	00	58
		881	0	07	02
		882	0	00	17
		878	0	04	13
		894	0	00	10
		893	0	04	10
		897	0	02	85
		898	0	01	63
		900	0	03	29
		904	0	02	03
		905	0	02	50
		915	0	05	76
		914	0	05	47
		916	0	00	38
		913	0	00	48
		912	0	07	67
		949	0	00	10

1	2	3	4	5	6
		948	0	06	09
		947	0	04	39
		964	0	01	08
		963	0	04	84
		962	0	04	51
		961	1	44	144
		1312	0	02	26
		361	0	00	10
		959	0	07	11
		362	0	06	78
		964	0	01	08
		363	0	01	92
		58	0	05	91
		55	0	00	56
		56	0	01	29
		45	0	00	15
		42	0	06	92
		43	0	07	35
		40	0	02	25
		38	0	09	11
		37	0	00	90
		10	0	02	03
		9	0	10	83
		407	0	05	55
		8	0	03	89
		7	0	01	63
		6	0	05	30
		5	0	03	73
		4	0	04	11
		412	0	05	13
		1	0	02	92
		1627	0	03	21
		2577	0	03	84
		1626	0	04	24
		948	0	06	09
	पाल बालेसर	485	0	02	55
		484	0	00	10
		486	0	01	71
		481	0	24	08

1	2	3	4	5	6
		487	0	03	71
		461	0	38	60
		334	0	06	47
		333	0	06	23
		341	0	02	88
		342	0	00	10
		340	0	04	52
		339	0	06	40
		521	0	00	10
		346	0	00	10
		427	0	00	10
		352	0	01	18
		353	0	01	68
		355	0	02	11
		356	0	00	10
		387	0	00	10
		386	0	05	31
		385	0	00	77
		393	0	05	00
		384	0	04	76
		383	0	01	64
		394	0	03	12
	पाखराबाद	204	0	03	19
		211	0	00	65
		214	0	06	38
		215	0	01	32
		216	0	04	38
		217	0	00	10
		250	0	09	64
		252	0	01	83
		251	0	02	79
		247	0	00	10
		246	0	03	75
		245	0	00	10
		224	0	04	36
		223	0	01	22
		298	0	04	07
		297	0	00	58
		299	0	03	22

1	2	3	4	5	6
		300	0	03	67
		543	0	03	37
		542	0	00	48
		301	0	00	17
		528	0	09	45
		520	0	00	10
		529	0	02	37
		531	0	02	41
		532	0	08	39
		526	0	05	03
		525	0	00	10
		524	0	03	86
		757	0	00	93
		499	0	07	73
		498	0	05	56
		497	0	00	34
		500	0	00	40
		493	0	02	49
		492	0	09	40
		477	0	08	12
		481	0	00	97
		480	0	02	36
		478	0	02	97
		811	0	03	53
		454	0	00	10
		839	0	01	35
		456	0	01	39
		455	0	02	76
		451	0	03	01
		457	0	02	02
		458	0	04	26
		452	0	00	84
		450	0	01	05
		459	0	00	10
	धुसुली	785	0	01	77
		782	0	04	14
		781	0	03	52
		780	0	00	10
		754	0	01	13

1	2	3	4	5	6
		775	0	04	50
		776	0	00	10
		764	0	03	96
		774	0	00	34
		765	0	01	17
		762	0	00	12
		766	0	05	59
		767	0	02	69
		768	0	00	10
		683	0	05	96
		682	0	03	83
		675	0	02	32
		681	0	00	25
		676	0	06	99
		670	0	05	81
		669	0	04	50
		665	0	01	30
		666	0	01	75
		663	0	02	50
		664	0	01	17
		449	0	00	85
		662	0	00	12
		815	0	01	21
		448	0	11	48
		450	0	01	82
		451	0	03	31
		447	0	03	09
		445	0	01	53
		440	0	00	90
		443	0	01	01
		442	0	00	40
		444	0	18	60
		383	0	01	10
		382	0	00	59
		380	0	12	24
		379	0	08	59
		378	0	08	53
		376	0	04	83
		375	0	04	00

1	2	3	4	5	6
		374	0	01	55
	कुमरिया	100	0	01	68
		1109	0	00	99
		193	0	06	36
		113	0	00	27
		117	0	18	15
		116	0	02	79
		192	0	01	41
		118	0	03	64
		190	0	08	64
		206	0	00	26
		188	0	06	05
		187	0	07	77
		186	0	00	10
		214	0	04	52
		215	0	01	12
		213	0	03	92
		212	0	07	11
		211	0	00	10
		210	0	00	10
		218	0	07	16
		325	0	06	06
		309	0	06	90
		326	0	04	31
		327	0	11	09
		328	0	01	10
		1066	0	01	10
		329	0	05	14
		330	0	01	07
		1092	0	01	43
		332	0	01	63
		331	0	01	43
		334	0	00	63
		333	0	00	97
		300	0	04	78
		299	0	00	15
		252	0	10	09
		294	0	03	06
		290	0	08	49

1	2	3	4	5	6
		292	0	01	64
		291	0	04	40
		288	0	01	05
		286	0	01	38
		287	0	04	47
		281	0	00	32
		358	0	08	80
		357	0	04	29
		367	0	03	74
		368	0	00	46
		366	0	01	41
		363	0	08	56
		375	0	07	07
		377	0	00	45
		485	0	03	45
	मधुसुदनपुर	254	0	02	70
		282	0	05	88
		283	0	00	78
		618	0	00	75
		617	0	05	94
		616	0	02	34
		615	0	01	79
		609	0	00	17
		611	0	03	36
		610	0	09	50
		613	0	02	78
		630	0	08	80
		640	0	01	33
		643	0	02	65
		639	0	00	17
		644	0	09	29
		646	0	06	59
		647	0	05	33
		714	0	06	35
		653	0	04	21
		705	0	11	48
		655	0	03	77
		704	0	01	82
		700	0	04	69

1	2	3	4	5	6
		698	0	14	00
		695	0	11	20
		808	0	05	99
		809	0	07	02
		810	0	03	80
		685	0	08	42
		813	0	02	96
		815	0	00	70
		817	0	01	30
		816	0	03	54
		1408	0	05	37
		851	0	05	62
		852	0	06	64
		895	0	00	12
		892	0	06	53
		893	0	00	63
		853	0	02	36
		888	0	08	00
		889	0	03	07
		887	0	00	12
		886	0	00	54
		882	0	01	04
		883	0	07	85
		885	0	00	25
		1473	0	01	26
		1378	0	03	42
	मन्दाधार	100	0	04	57
		93	0	10	31
		92	0	00	10
		94	0	09	55
	हेन्दुलीमुन्डी	262	0	06	79
		263	0	00	74
		260	0	08	56
		266	0	03	68
		289	0	03	74
		267	0	13	37
		268	0	02	59
		191	0	04	02
		190	0	03	67

1	2	3	4	5	6
		189	0	01	53
		188	0	00	10
	अकिनिया	316	0	07	84
		318	0	00	10
		315	0	05	67
		317	0	00	10
		314	0	06	15
		302	0	00	31
		363	0	00	30
		304	0	09	89
		305	0	03	17
		294	0	03	65
		310	0	05	79
		292	0	04	20
		291	0	02	16
		286	0	03	70
		354	0	04	25
		284	0	08	30
		179	0	00	83
		135	0	07	72
		142	0	00	10
		136	0	00	10
		138	0	05	58
		137	0	07	72
		335	0	00	10
		112	0	08	28
		109	0	00	40
		111	0	08	37
		74	0	02	50
		75	0	01	45
		76	0	03	04
		79	0	02	59
		80	0	06	67
		33	0	06	90
		81	0	04	63
		32	0	02	70
		7	0	00	10
		6	0	14	82
		1	0	12	13

1	2	3	4	5	6
	बिसनपुर	50	0	08	29
		51	0	03	52
		52	0	01	84
		53	0	02	09
		46	0	07	34
		44	0	09	12
		55	0	00	10
		56	0	00	10
		43	0	07	69
		39	0	02	15
		32	0	16	33
		33	0	00	55
		31	0	07	66
		29	0	01	46
		30	0	09	62
		3	0	07	89
		649	0	00	10
		648	0	00	12
		647	0	00	89
		646	0	05	30
		645	0	02	63
		644	0	02	15
		639	0	08	23
		640	0	04	24
		625	0	00	41
		624	0	04	01
		621	0	00	36
		620	0	07	78
		617	0	08	70
		609	0	01	58
		611	0	07	16
		610	0	02	09
		189	0	05	31
		130	0	00	10
		96	0	07	47
		95	0	12	21
		94	0	03	61
		100	0	03	76
		99	0	00	19

1	2	3	4	5	6
		93	0	04	03
	हिन्जीला	501	0	00	86
		500	0	04	19
		497	0	02	77
		494	0	07	23
		493	0	09	45
		227	0	16	08
		219	0	00	10
		220	0	06	75
		218	0	05	63
		213	0	01	24
		212	0	03	96
		214	0	00	91
		211	0	03	46
		208	0	00	28
		209	0	00	91
		95	0	01	08
		527	0	10	90
		86	0	03	51
		21	0	02	57
		22	0	02	82
		24	0	03	43
		17	0	12	27
		25	0	03	68
		26	0	05	48
		28	0	00	60
		507	0	02	09
		518	0	04	52
		27	0	00	69
		507	0	01	92
		15	0	01	38
		16	0	00	73
		17	0	06	44
	अमारा	766	0	20	62
		588	0	02	43
		587	0	03	69
		574	0	01	70
		584	0	09	20
		583	0	08	17

1	2	3	4	5	6
		579	0	13	06
		522	0	03	09
	पुष्पेश्वर	3068	0	04	22
		3069	0	07	94
		3070	0	08	67
		3066	0	06	75
		3065	0	04	05
		3107	0	03	07
		3108	0	05	03
		3109	0	02	52
		3301	0	01	06
		3225	0	05	75
		3300	0	01	51
		3226	0	18	63
		3299	0	01	91
		3290	0	01	84
		3228	0	01	53
		3284	0	04	11
		3283	0	02	76
		3282	0	00	29
		3281	0	02	08
		3236	0	30	62
		3236	0	00	28
		3233	0	00	10
		3197	0	04	94
		3237	0	00	28
		3195	0	06	91
		3193	0	01	69
		3238	0	00	37
		3192	0	12	31
		3504	0	00	46
		3191	0	10	14
		3190	0	10	61
		3246	0	00	10
	बाहादुरपुर	263	0	04	39
		323	0	00	10
		319	0	03	32
		320	0	02	54
		321	0	08	17

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1	2	3	4	5	6
		322	0	00	31
		308	0	23	82
		313	0	09	45
		309	0	13	57
		285	0	01	30
		299	0	03	54
		298	0	15	37
		293	0	04	24
		292	0	04	80

[फा. सं. आर-25011/19/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 25th June, 2004

S. O. 1528.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited.

And whereas it appears to the Central Government that for the purpose of laying said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the laying of the pipeline under the land to Shri. Ashok Kumar Dash, Competent Authority, Paradip – Haldia Pipeline Project, Indian Oil Corporation Limited, Indian Oil Corporation Limited Marketing Housing Complex, Meghadambara, Post office- Kuruda, Balasore – 756 056 (Orissa).

Schedule**District : Balasore****State : Orissa**

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Soro	Gud	618	0	02	40
		6194	0	05	80
		619	0	00	10
		6193	0	04	52
		622	0	12	95
		624	0	00	52
		6191	0	00	57
		623	0	01	45
		678	0	01	72
		676	0	00	38
		683	0	04	20
		682	0	05	10
		681	0	01	12
		677	0	01	60
		504	0	05	04
		199	0	01	19
		498	0	00	34
		200	0	13	69
		201	0	01	33
		203	0	00	20
		202	0	04	00
		204	0	00	10
		205	0	08	86
		207	0	06	37
		233	0	07	73
		234	0	05	15
		264	0	12	48
		265	0	01	69
		267	0	03	40
		266	0	04	01
		85	0	03	17
		94	0	06	45
		95	0	00	77
		100	0	02	45
		101	0	02	72
		103	0	01	53
		105	0	02	49
		115	0	05	92
		116	0	11	62
		113	0	00	10

Name of Tehsil	Name of Village	Khasra No	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		112	0	00	37
		117	0	03	74
		118	0	01	48
		122	0	01	12
		123	0	01	58
		124	0	01	82
		125	0	02	13
		121	0	01	35
		127	0	06	99
		128	0	05	93
		131	0	07	63
		132	0	00	10
		141	0	01	66
		142	0	04	33
		140	0	02	30
		892	0	03	33
		893	0	00	10
		891	0	01	32
		894	0	00	37
		895	0	01	22
		896	0	01	65
		890	0	05	07
		889	0	01	95
		1471	0	07	14
		1473	0	00	18
		1464	0	00	77
		1472	0	05	55
		1484	0	02	79
		1503	0	04	01
		1463	0	04	43
		1504	0	09	44
		1537	0	00	10
		1538	0	04	97
		1536	0	02	26
		1553	0	07	24
		1554	0	05	99
		1531	0	01	70
		1555	0	02	32
		1556	0	05	92
		1592	0	00	10
		1583	0	00	58
		1581	0	11	49
		1582	0	00	10
		1585	0	00	79
		1584	0	00	10

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1587	0	01	63
		1586	0	00	10
		1654	0	01	60
		1655	0	03	71
		1653	0	01	38
		1656	0	01	78
		1657	0	03	52
		1658	0	00	67
		1648	0	01	96
		1661	0	04	85
		1662	0	05	23
		1644	0	02	30
		1643	0	02	32
		1660	0	00	10
		1684	0	00	32
		1642	0	01	74
		1641	0	01	24
		1687	0	07	59
		1688	0	01	71
		1686	0	00	39
		1689	0	04	53
		1690	0	01	22
		1196	0	03	08
		1695	0	01	21
		1696	0	00	10
		1694	0	01	92
		1697	0	09	73
		1180	0	00	17
		1177	0	02	81
		2526	0	07	78
		2527	0	04	20
		2528	0	02	74
		2529	0	00	10
		2533	0	08	15
		2535	0	01	05
		2532	0	06	31
		2531	0	04	86
		2581	0	00	27
		2537	0	04	02
		2580	0	07	06
		2579	0	00	10
		2582	0	02	95
		2612	0	02	99
		2611	0	00	48
		2613	0	04	07

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		2614	0	00	10
		2615	0	10	73
		2623	0	00	67
		2624	0	00	81
		2621	0	00	88
		2628	0	01	10
		2622	0	03	53
		2625	0	00	10
		2627	0	00	59
		2630	0	05	24
	Patimunda	142	0	02	57
		71	0	01	97
		72	0	02	86
		74	0	02	21
		238	0	01	40
		46	0	02	83
		47	0	05	60
		48	0	11	04
		6	0	03	86
		5	0	01	29
		4	0	02	69
	Dinapahi	219	0	05	49
		220	0	16	06
		216	0	03	10
		223	0	17	28
		207	0	00	61
		206	0	05	09
		205	0	04	72
		224	0	01	08
		204	0	04	09
		200	0	06	39
		198	0	00	28
		201	0	00	10
		199	0	11	24
		154	0	19	52
		153	0	05	18
		152	0	00	29
		1	0	03	25
	Baliktiran	770	0	02	92
		792	0	01	03
		584	0	01	69
		581	0	03	45
		586	0	02	65
		585	0	03	07
		590	0	11	58

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		591	0	00	10
		589	0	00	42
		595	0	06	43
		594	0	01	55
		596	0	05	85
		598	0	02	06
		600	0	02	17
		774	0	01	53
		607	0	11	72
		606	0	06	02
		470	0	00	47
		454	0	09	71
		456	0	03	76
		455	0	00	94
		457	0	06	81
		451	0	00	10
		450	0	00	31
		449	0	01	27
		447	0	06	81
		460	0	01	43
		438	0	03	38
		436	0	09	44
		434	0	00	87
		435	0	00	91
		433	0	01	63
		340	0	01	01
		348	0	06	46
		345	0	01	86
		346	0	09	00
		349	0	03	16
	Chhatubati	141	0	03	15
		169	0	01	20
		294	0	03	38
		290	0	04	58
		295	0	01	36
		289	0	16	32
		296	0	00	24
		288	0	16	32
		285	0	08	81
		286	0	07	72
		283	0	03	79
		281	0	00	94
		282	0	05	61
		284	0	06	33
		277	0	02	11

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		276	0	05	80
		278	0	02	09
		272	0	07	76
		271	0	00	49
		270	0	00	26
		267	0	00	30
		268	0	09	95
		269	0	00	37
		262	0	02	50
		261	0	02	06
		260	0	04	33
		259	0	05	07
		257	0	01	99
		258	0	02	61
	Poradiha	1236	0	03	75
		1237	0	01	58
		1238	0	00	46
		1239	0	06	70
		1240	0	00	10
		1244	0	03	54
		1223	0	04	50
		1222	0	01	75
		1208	0	02	71
		1217	0	02	52
		1216	0	02	15
		1215	0	01	01
		1214	0	02	56
		909	0	03	54
	Brahampur	1262	0	00	97
		619	0	07	31
		620	0	00	46
		618	0	03	670
		614	0	04	02
		615	0	00	30
		612	0	01	38
		611	0	04	61
		610	0	01	38
		529	0	17	04
		609	0	01	08
		535	0	01	79
		534	0	01	23
		530	0	00	70
		531	0	00	86
		528	0	02	95
		525	0	10	14

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		524	0	00	10
		469	0	15	03
		468	0	13	74
		464	0	01	75
		463	0	01	96
		414	0	03	71
		465	0	01	43
		413	0	02	30
		411	0	08	91
		412	0	03	75
		406	0	14	40
		403	0	04	05
		402	0	00	36
		401	0	05	56
		400	0	00	10
		395	0	01	66
		396	0	03	45
		319	0	10	61
		358	0	04	85
		357	0	00	79
		327	0	03	86
		1245	0	01	77
		328	0	06	11
		330	0	04	07
		332	0	01	23
		333	0	02	87
		334	0	04	80
		337	0	01	78
		336	0	03	46
		206	0	01	59
		200	0	03	31
		198	0	00	99
		197	0	02	50
		180	0	01	37
		179	0	01	99
		49	0	00	19
		50	0	02	14
		178	0	00	80
		177	0	01	02
		176	0	04	68
		175	0	00	28
		168	0	00	11
		169	0	06	67
		158	0	01	03
		170	0	01	56

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		157	0	04	00
		151	0	01	24
		156	0	00	47
		152	0	04	68
		154	0	03	17
		153	0	03	80
		155	0	00	15
		142	0	00	10
		143	0	02	25
		144	0	01	22
		145	0	02	02
		146	0	00	89
		143	0	01	98
		144	0	01	49
		145	0	02	02
		127	0	00	55
		107	0	01	13
		108	0	06	11
		106	0	01	88
		109	0	01	62
		110	0	03	36
		1221	0	01	13
		96	0	11	06
		99	0	04	55
		931	0	01	30
		992	0	03	98
		993	0	03	57
		994	0	02	25
		995	0	02	18
		996	0	04	59
		997	0	05	07
		1002	0	09	52
		1220	0	01	43
	Anjee	1333	0	01	63
		1335	0	03	53
		1339	0	00	14
		1336	0	01	21
		1338	0	13	25
		1341	0	11	22
		1342	0	04	31
		1346	0	03	90
		1352	0	01	97
		1347	0	05	98
		1351	0	05	04
		1353	0	00	10

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1350	0	05	28
		2954	0	00	47
		1349	0	00	10
		2793	0	02	30
		2791	0	01	29
		2794	0	11	63
		2927	0	00	53
		2928	0	02	12
		2804	0	04	15
		2807	0	00	77
		2806	0	00	67
		2805	0	02	86
		2789	0	00	10
		2819	0	01	73
		2821	0	02	02
		2820	0	02	29
		2825	0	04	81
		2779	0	00	81
		2776	0	03	16
		2726	0	00	76
		2772	0	00	75
		2771	0	05	04
		2770	0	01	94
		2769	0	05	66
		2768	0	08	17
		2840	0	02	27
		2762	0	01	47
		2767	0	00	10
		2761	0	07	89
		2760	0	03	30
		2634	0	29	39
		2635	0	00	10
		2484	0	00	10
		2483	0	02	63
		2636	0	00	10
		2482	0	02	90
		2638	0	01	91
		2480	0	05	42
		2950	0	02	38
		2479	0	02	68
		2478	0	00	83
		2463	0	07	34
		2464	0	14	60
		2414	0	08	48
		2405	0	05	16

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		2404	0	01	43
		2403	0	01	53
		2406	0	00	73
		2383	0	03	73
		2384	0	02	94
		2382	0	03	14
		2381	0	10	33
		2368	0	09	74
		2367	0	00	83
		2339	0	03	04
		2355	0	12	61
		2356	0	01	76
		2352	0	01	89
		2353	0	02	61
		2354	0	00	34
		2356	0	06	75
		2355	0	12	61
		2241	0	03	00
		2240	0	04	49
		2245	0	00	10
		2238	0	10	36
		2239	0	03	40
		2237	0	03	33
		2236	0	01	33
	Sahasपुरा	2927	0	03	34
		2928	0	00	10
		2926	0	01	22
		2925	0	01	00
		2924	0	04	27
		2929	0	00	44
	Ranbhanjpur	7	0	01	74
		8	0	02	88
		6	0	08	21
		9	0	01	73
		5	0	03	95
		15	0	00	41
		4	0	03	70
		407	0	00	17
	Kanheiogalpur	677	0	01	60
		713	0	02	56
		714	0	07	36
		712	0	06	42
		711	0	00	10
		708	0	08	28
		685	0	02	19

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		685	0	02	94
		707	0	02	01
		705	0	01	29
		706	0	02	18
		686	0	02	27
		692	0	01	25
		690	0	00	76
		691	0	00	21
		693	0	05	44
		673	0	01	31
		696	0	00	77
		695	0	02	67
		694	0	00	28
		744	0	02	33
		743	0	06	03
		745	0	03	12
		1091	0	00	72
		742	0	02	93
		747	0	01	15
		758	0	04	61
		757	0	01	68
		759	0	04	38
		765	0	01	13
		763	0	02	02
		761	0	02	23
		762	0	05	76
		791	0	00	91
		792	0	01	09
		793	0	04	17
		787	0	02	15
		1070	0	00	48
		779	0	13	60
		781	0	08	41
		1104	0	02	17
		794	0	00	42
		1105	0	02	77
		1027	0	01	01
		1026	0	00	54
		1025	0	00	80
		855	0	00	62
		856	0	00	85
		860	0	14	25
		861	0	01	41
		858	0	00	10
		863	0	05	91

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr
1	2	3	4	5	6
		887	0	00	97
		890	0	00	73
		889	0	05	10
		888	0	05	82
		917	0	00	14
		898	0	00	20
		915	0	02	73
		916	0	05	06
		920	0	04	30
		913	0	01	89
		912	0	05	41
		908	0	04	42
		910	0	01	05
		909	0	03	10
		907	0	00	10
		940	0	02	83
		941	0	08	03
		942	0	07	23
		943	0	01	17
	Rahaniaganj	923	0	00	10
		924	0	06	22
		933	0	00	10
		932	0	15	59
		961	0	10	42
		955	0	10	25
		954	0	09	29
		952	0	00	10
		951	0	11	56
		979	0	03	20
		981	0	05	52
		980	0	00	72
		982	0	01	07
		983	0	06	93
		989	0	05	39
		990	0	02	47
		991	0	00	45
		988	0	05	03
		992	0	03	51
		993	0	08	41
		860	0	24	32
		859	0	02	15
		857	0	00	10
		833	0	06	93
		834	0	04	52
		831	0	02	11

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		835	0	04	18
		836	0	02	96
		830	0	05	01
		829	0	08	02
		827	0	00	80
		488	0	07	25
	Karanjab:ndha	1856	0	01	81
		1855	0	06	22
		1945	0	01	11
		1854	0	05	34
		1853	0	06	26
		1844	0	00	10
		1847	0	07	33
		1848	0	00	78
		1759	0	10	43
		1796	0	00	10
		1797	0	01	24
		1795	0	02	94
		1760	0	04	69
		1761	0	04	23
		1747	0	03	86
		1748	0	00	39
		1746	0	11	08
		1742	0	08	66
		1743	0	00	10
		1744	0	00	10
		1689	0	12	53
		1692	0	11	14
		1691	0	04	09
		1705	0	01	44
		1695	0	00	34
		1703	0	02	04
		1704	0	01	75
		1698	0	00	45
		1697	0	01	50
		1703	0	08	96
		1072	0	02	88
		1206	0	00	50
		1073	0	04	91
		1205	0	01	41
		1074	0	01	56
		1204	0	07	47
		1203	0	02	16
		1202	0	00	95
		1201	0	06	78

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1169	0	05	76
		1170	0	05	57
		1171	0	06	21
		1172	0	06	01
		1173	0	00	10
		1197	0	04	35
		1176	0	07	32
		1174	0	00	87
		1175	0	00	20
		978	0	09	38
		977	0	03	96
		976	0	05	08
		975	0	02	46
		974	0	04	02
		705	0	00	78
		706	0	03	69
		707	0	12	24
		708	0	03	30
		710	0	04	56
		711	0	04	21
		712	0	04	29
		900	0	03	57
		899	0	03	29
		734	0	02	33
		733	0	02	70
		735	0	02	03
		731	0	00	27
		732	0	00	36
		740	0	02	46
		730	0	00	10
		741	0	01	66
		746	0	02	36
		742	0	02	01
		745	0	04	28
		750	0	07	45
		751	0	01	11
		744	0	00	10
		756	0	00	43
		755	0	04	93
		758	0	05	15
		759	0	04	02
		281	0	00	10
		282	0	06	18
		283	0	05	27
		285	0	05	20

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are.	Sq. mtr.
1	2	3	4	5	6
		286	0	04	76
		295	0	00	57
		296	0	00	22
		294	0	01	19
		297	0	14	56
		298	0	00	96
		251	0	01	64
		253	0	00	32
		2015	0	01	11
		2003	0	00	53
		247	0	01	08
		246	0	03	99
		245	0	00	78
		235	0	05	80
		234	0	05	59
		215	0	00	10
		212	0	00	98
		214	0	07	00
		211	0	04	54
		210	0	00	89
		209	0	05	80
		190	0	00	83
		158	0	01	71
		104	0	02	82
		105	0	02	69
		106	0	08	35
		89	0	01	83
		107	0	28	40
		108	0	04	15
		1994	0	02	84
		113	0	14	41
		12	0	02	95
	Dolpur	832	0	10	82
		831	0	03	95
		833	0	02	00
		830	0	01	53
		834	0	04	04
		835	0	02	32
		829	0	08	46
		828	0	02	33
		827	0	02	98
		824	0	09	90
		825	0	02	57
		826	0	02	04
		797	0	02	05

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr
1	2	3	4	5	6
		798	0	02	59
		794	0	02	86
		799	0	01	46
		793	0	05	82
		792	0	02	12
	Fatehpur	904	0	02	12
		908	0	00	49
		909	0	04	68
		928	0	00	43
		929	0	00	20
		910	0	02	91
		911	0	02	90
		912	0	02	07
		927	0	06	73
		919	0	00	11
		921	0	06	47
		851	0	07	91
		852	0	00	10
		848	0	02	98
		849	0	02	07
		847	0	02	83
		846	0	01	89
		991	0	02	46
		844	0	05	69
		842	0	06	13
		841	0	03	37
		840	0	02	39
		832	0	01	87
		830	0	07	12
		829	0	00	94
		827	0	05	67
		824	0	00	10
	Kalyani	1314	0	01	36
		1311	0	08	96
		4023	0	01	35
		1310	0	07	87
		1308	0	00	10
		1303	0	05	65
		1309	0	03	55
		1301	0	13	05
		1302	0	00	39
		1284	0	09	66
		1287	0	00	10
		1286	0	06	38
		1279	0	02	12

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1273	0	04	15
		1271	0	02	56
		1272	0	04	87
		1269	0	01	26
		602	0	01	33
		605	0	06	92
		607	0	00	79
		609	0	00	53
		606	0	07	19
		610	0	08	21
		595	0	07	60
		584	0	03	92
		585	0	04	00
		586	0	03	32
		414	0	11	24
		417	0	11	09
		416	0	01	49
		415	0	00	27
		419	0	05	41
		421	0	00	10
		400	0	02	15
		399	0	02	28
		393	0	02	31
		392	0	01	69
		396	0	03	10
		391	0	01	35
		384	0	00	10
		385	0	04	08
		386	0	05	19
		372	0	05	61
		373	0	03	43
		374	0	03	19
		375	0	03	48
		198	0	01	96
		199	0	02	72
		197	0	03	28
		196	0	04	16
		195	0	04	12
		210	0	05	85
		161	0	05	84
		210	0	00	10
		211	0	00	86
		160	0	06	36
		159	0	04	77
		158	0	01	31

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		156	0	10	58
		155	0	02	32
		83	0	00	90
		82	0	01	54
		81	0	00	73
		34	0	02	84
		35	0	05	66
		31	0	04	79
		29	0	11	36
	Nuapur	1178	0	11	12
		1179	0	02	47
		1180	0	00	14
		1181	0	00	10
		1185	0	04	26
		1186	0	05	76
		1187	0	02	34
		1188	0	00	41
		1172	0	02	11
		1168	0	00	10
		1189	0	01	48
		1166	0	05	61
		1165	0	00	52
		1167	0	00	94
		1164	0	03	08
		1120	0	00	10
		1121	0	01	28
		1122	0	01	31
		1123	0	05	57
		1125	0	09	92
		1124	0	02	76
		1126	0	00	10
		4051	0	07	25
		1131	0	04	10
		1134	0	02	34
		1132	0	04	75
		1111	0	03	00
		1108	0	03	09
		1107	0	04	42
		1106	0	02	97
		292	0	04	66
		297	0	11	07
		299	0	07	33
		4057	0	03	01
		300	0	07	45
		235	0	04	07

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		236	0	05	10
		252	0	07	30
		253	0	06	62
		251	0	07	95
		248	0	00	46
		250	0	03	76
		249	0	00	10
		34	0	09	94
		33	0	03	96
		35	0	02	68
		4095	0	03	49
		36	0	03	73
		38	0	03	04
		21	0	01	52
		20	0	01	20
		4078	0	03	66
		19	0	01	81
		39	0	02	15
		43	0	02	21
		18	0	07	37
		17	0	11	85
		16	0	00	80
		11	0	01	88
		13	0	01	83
		12	0	01	67
		7	0	04	10
		6	0	04	47
	Salagan	1300	0	00	64
		1299	0	00	10
		1298	0	03	43
		1297	0	04	50
		1295	0	04	23
		1290	0	02	50
		1296	0	00	14
		1291	0	05	20
		1294	0	00	51
		1293	0	02	63
		1224	0	00	92
		1225	0	08	96
		1226	0	00	10
		1222	0	01	32
		1223	0	03	82
		1221	0	05	38
		1203	0	37	01
		1206	0	00	24

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1205	0	00	10
		1201	0	11	90
		1202	0	02	98
		1160	0	12	63
		484	0	02	82
		485	0	01	97
		474	0	02	59
		473	0	10	34
		472	0	01	62
		471	0	00	67
		470	0	00	10
		465	0	01	55
		464	0	06	34
		431	0	00	10
		432	0	00	10
		463	0	04	80
		462	0	01	76
		437	0	11	88
		438	0	03	61
		439	0	05	14
		440	0	04	71
		399	0	08	55
		398	0	00	10
		400	0	04	26
		401	0	05	93
		232	0	11	19
		233	0	00	10
		234	0	04	01
		226	0	12	92
		235	0	00	10
		225	0	01	84
		221	0	03	30
		224	0	01	16
		222	0	03	44
		219	0	04	30
		218	0	01	72
		216	0	04	28
		185	0	07	53
		1425	0	01	96
		1426	0	03	94
		183	0	05	10
		142	0	12	01
		140	0	06	23
		136	0	15	22
		137	0	03	20

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		7	0	00	80
		6	0	02	23
		5	0	00	74
		1	0	01	77
	Odshal	746	0	00	49
		742	0	02	27
		743	0	05	21
		745	0	00	10
		744	0	00	87
		739	0	01	76
		740	0	05	02
		741	0	03	53
		729	0	03	96
		730	0	01	20
		728	0	01	10
		542	0	00	10
		537	0	00	38
		536	0	02	88
		535	0	01	79
		525	0	01	64
	Narayanabara	453	0	04	76
		1382	0	04	18
		1381	0	01	40
		1367	0	08	10
		1379	0	02	16
		1378	0	02	32
		1368	0	00	61
		1369	0	00	10
		1377	0	04	21
		1387	0	19	14
		1389	0	00	25
		1375	0	01	81
		1390	0	01	65
		1392	0	03	74
Balasore	Srijang	1970	0	13	78
		1971	0	00	20
		1969	0	01	94
		1968	0	00	66
		1967	0	01	57
		1966	0	03	15
		1965	0	00	20
		1943	0	25	70
		1942	0	03	95
		1941	0	02	28
		1940	0	08	63

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1911	0	03	84
		1912	0	05	93
		4910	0	02	99
		5358	0	00	72
		4909	0	03	24
		4911	0	00	87
		1910	0	00	20
		1908	0	07	94
		1907	0	00	10
		1903	0	02	01
		1902	0	01	52
		1901	0	06	86
		1897	0	04	99
		1898	0	03	85
		1885	0	01	20
		1853	0	03	74
		1852	0	13	37
		1854	0	01	36
		1849	0	08	24
		1848	0	07	90
		1798	0	17	43
		1797	0	01	08
		1796	0	07	71
		1795	0	08	66
		1794	0	08	94
		1793	0	06	18
		4944	0	04	37
		1792	0	01	48
		1791	0	00	15
		1726	0	03	99
	Chak Srirampur	17	0	07	84
		16	0	09	78
		11	0	07	51
		13	0	07	89
		14	0	03	10
		80	0	04	52
		63	0	07	21
		4	0	07	92
		3	0	02	95
		27	0	00	10
		61	0	01	51
	Boita	2706	0	03	48
		2566	0	02	64
		2567	0	02	63
		2572	0	02	65

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		2571	0	02	45
		2570	0	02	54
		2574	0	06	35
		2531	0	01	95
		2530	0	01	73
		2524	0	01	12
		2525	0	03	08
		2527	0	04	36
		2528	0	04	22
		2511	0	00	25
		2510	0	00	10
		2512	0	03	53
		2513	0	05	82
		2495	0	00	10
		2494	0	04	82
		2740	0	01	53
		2493	0	06	74
		2492	0	05	63
		2497	0	00	35
		2480	0	10	04
		2489	0	01	20
		2488	0	05	28
		2481	0	08	66
		2487	0	09	15
		2019	0	02	62
		2014	0	46	88
		1989	0	06	46
		1992	0	02	36
		1991	0	00	65
		1993	0	00	66
		1994	0	07	29
		1998	0	01	40
		1997	0	03	01
		1999	0	05	00
		2000	0	00	26
		1996	0	02	06
		2003	0	08	95
		2002	0	00	10
		2004	0	02	58
		120	0	00	10
	Rahaniyagadia	120	0	00	10
		121	0	02	26
		122	0	00	43
		119	0	05	03
		114	0	04	03

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		123	0	04	49
		174	0	00	20
		173	0	01	10
		172	0	04	95
		180	0	01	36
		182	0	00	10
		183	0	00	82
		184	0	01	46
		214	0	04	93
		170	0	03	70
		163	0	04	47
		162	0	00	10
		160	0	01	23
		159	0	02	31
		158	0	00	68
		157	0	03	82
		155	0	04	03
		136	0	03	31
		137	0	00	61
		138	0	04	34
		97	0	01	28
		96	0	07	61
		31	0	00	10
		95	0	04	14
		89	0	00	10
		93	0	00	88
		94	0	01	59
		91	0	00	46
		90	0	02	71
		92	0	01	23
		209	0	01	52
		34	0	03	92
		35	0	03	74
		60	0	08	53
		59	0	02	03
		37	0	01	63
		44	0	03	78
		46	0	06	27
		47	0	00	10
	Gambharia	1359	0	15	75
		1360	0	09	88
		1361	0	02	17
		1358	0	00	10
		1364	0	05	96
		1354	0	02	09

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1368	0	04	90
		1369	0	03	11
		2637	0	04	39
		1421	0	00	23
		1422	0	03	54
		1425	0	02	15
		1426	0	02	43
		1424	0	01	36
		1428	0	01	82
		1429	0	02	31
		1430	0	02	17
		1431	0	01	67
		1432	0	01	60
		1524	0	00	53
		1523	0	02	36
		1513	0	05	85
		2620	0	00	20
		1512	0	01	58
		1511	0	02	37
		1510	0	05	33
		1509	0	02	30
		1508	0	02	95
		1502	0	00	28
		2549	0	01	11
		1503	0	04	41
		1500	0	00	81
		1504	0	00	20
		2585	0	05	12
		1499	0	01	32
		1498	0	03	59
		1497	0	04	50
		1494	0	01	21
		1496	0	04	04
		1495	0	00	10
		1604	0	04	08
		1616	0	03	17
		1701	0	00	10
		1617	0	04	54
		1618	0	01	78
		1698	0	04	33
		1619	0	01	85
		1620	0	02	43
		1622	0	01	85
		1623	0	03	85
		1624	0	03	20

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1628	0	01	96
		1666	0	04	63
		1664	0	00	17
		1665	0	02	77
		1663	0	02	21
		1668	0	00	31
		1662	0	05	06
		1657	0	02	73
		1651	0	05	89
		1650	0	07	18
		1649	0	05	74
		1647	0	04	46
		1646	0	01	27
		2501	0	00	41
		2502	0	04	27
		1645	0	00	10
		2503	0	05	00
		2506	0	01	48
		2504	0	00	11
		2505	0	01	66
	Tundra	774	0	00	74
		776	0	03	37
		777	0	01	54
		779	0	01	61
		781	0	01	44
		5653	0	02	69
		783	0	01	94
		784	0	01	87
		786	0	04	11
		819	0	05	73
		4967	0	01	45
		818	0	06	64
		816	0	11	37
		815	0	09	35
		814	0	01	18
		813	0	04	40
		812	0	02	69
		810	0	00	43
		809	0	01	71
		847	0	09	78
		852	0	03	44
		851	0	01	16
		850	0	02	39
		871	0	01	52
		872	0	00	16

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		870	0	16	02
		4045	0	03	52
		4812	0	00	58
		4813	0	00	90
		865	0	03	33
	Kuanrpur	220	0	02	23
		221	0	00	43
		216	0	16	41
		211	0	00	11
		210	0	06	11
		209	0	00	10
		208	0	02	82
		184	0	03	93
		185	0	02	63
		207	0	00	10
		206	0	01	36
		205	0	04	03
		204	0	07	18
		202	0	00	10
		203	0	00	44
		192	0	06	52
		196	0	06	26
		302	0	00	94
		303	0	00	74
		304	0	00	90
		544	0	01	60
		536	0	04	88
		537	0	04	18
		532	0	02	12
		531	0	02	71
		524	0	00	90
		523	0	00	10
		525	0	10	94
		519	0	04	22
		518	0	00	38
		514	0	04	97
		513	0	02	23
		1544	0	00	97
		512	0	02	14
		511	0	00	18
		562	0	00	15
		565	0	10	42
		569	0	07	67
		567	0	01	77
		568	0	07	94

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		695	0	03	39
		570	0	00	10
		571	0	00	93
		694	0	01	02
		688	0	05	36
		692	0	03	26
		691	0	06	59
		1567	0	03	90
		1479	0	00	35
		689	0	11	60
		684	0	01	53
		685	0	06	05
		670	0	08	76
		671	0	01	72
		668	0	07	36
		667	0	03	90
		793	0	03	31
		666	0	01	52
	Bhimpur	162	0	08	96
		161	0	04	94
		157	0	04	65
		156	0	04	18
		155	0	00	10
		149	0	05	54
		150	0	02	31
		145	0	07	49
		143	0	03	15
		136	0	04	58
		137	0	03	18
		130	0	05	60
		4385	0	04	90
		104	0	00	15
		105	0	00	12
		107	0	00	10
		121	0	13	36
		111	0	03	30
		110	0	03	07
		109	0	02	69
		89	0	02	65
		87	0	03	88
		80	0	05	72
		78	0	00	10
		79	0	02	94
		77	0	00	31
		4698	0	03	94

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		62	0	00	10
		61	0	04	51
		60	0	01	10
		59	0	01	04
		51	0	01	18
		54	0	00	16
		56	0	05	24
		4764	0	01	64
		58	0	00	56
		4763	0	01	26
		57	0	03	20
		35	0	01	03
		33	0	04	04
		34	0	02	72
		22	0	00	40
		25	0	07	09
		29	0	07	26
		28	0	01	73
		268	0	09	08
		275	0	08	13
		4579	0	01	32
		276	0	04	50
		1	0	01	45
		26	0	01	24
		27	0	03	56
	Chandipur	525	0	03	26
		421	0	02	35
		585	0	00	85
		422	0	03	90
		419	0	00	34
		420	0	06	26
		423	0	00	34
		413	0	02	36
		414	0	03	62
		415	0	01	16
		411	0	00	43
		410	0	04	14
		356	0	05	59
		354	0	04	56
		357	0	03	95
		353	0	00	10
		508	0	00	50
		352	0	04	69
		350	0	01	95
		351	0	03	45

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		348	0	05	27
		582	0	00	10
	Chheliapada	491	0	00	55
		492	0	05	32
		494	0	05	74
		519	0	00	33
		495	0	04	29
		446	0	03	33
		447	0	03	21
		450	0	04	06
		521	0	00	22
		522	0	03	54
		523	0	00	51
		451	0	06	18
		452	0	01	74
		445	0	04	36
		408	0	04	00
		407	0	04	77
		414	0	07	75
		415	0	03	18
		416	0	00	20
		404	0	06	41
		344	0	04	41
		341	0	05	09
		343	0	00	10
		342	0	03	01
		340	0	01	55
		337	0	09	05
		338	0	02	05
		310	0	01	74
		313	0	03	80
		312	0	00	17
		336	0	00	10
		314	0	03	85
		321	0	00	22
		315	0	04	99
		545	0	00	50
		316	0	01	12
	Sahajanagar	48	0	01	80
		1684	0	01	36
		1685	0	01	07
		47	0	04	76
		45	0	05	23
		46	0	00	10
		44	0	03	14

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		43	0	03	63
		41	0	04	26
		38	0	03	40
		36	0	01	29
		39	0	01	27
		1495	0	04	39
		35	0	01	66
		32	0	01	46
		33	0	02	35
		22	0	05	04
		25	0	00	36
		23	0	00	34
		24	0	03	22
		16	0	04	53
		15	0	00	10
		14	0	04	04
		13	0	01	87
		1440	0	01	81
		1439	0	01	63
		1438	0	00	82
		10	0	00	10
		7	0	09	33
		5	0	03	21
		1	0	01	42
	Jaydevkasba	2282	0	01	06
		2286	0	08	89
		2287	0	06	86
		2285	0	19	93
		2318	0	07	66
		5045	0	00	10
		2320	0	00	10
		2316	0	00	10
		2315	0	04	47
		2314	0	04	66
		5576	0	03	40
		2313	0	00	40
		2337	0	01	61
		2336	0	01	86
		2339	0	01	17
		5376	0	01	99
		2340	0	07	56
		2341	0	00	10
		5034	0	05	82
		3057	0	00	37
		2216	0	00	81

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		5345	0	04	97
		3052	0	00	71
		3051	0	02	56
		2342	0	02	53
		3046	0	05	15
		3045	0	05	55
		3041	0	02	23
		3021	0	02	34
		3022	0	01	96
		3023	0	00	47
		3017	0	01	98
		3016	0	03	62
		3013	0	08	71
		3004	0	05	36
		3003	0	12	65
		2998	0	03	60
		2997	0	02	88
		2963	0	03	76
		2962	0	00	59
		2980	0	01	85
		2965	0	03	96
		2981	0	00	40
		2967	0	04	25
		2969	0	02	95
		2968	0	00	10
		5587	0	02	88
		2976	0	04	27
		2971	0	04	16
		2904	0	01	98
		2905	0	01	98
		2901	0	03	63
		2899	0	03	44
		2840	0	00	68
		2829	0	04	60
		2839	0	01	32
		2830	0	00	60
		2831	0	00	87
		2838	0	01	49
		5547	0	00	76
		2837	0	01	74
		5365	0	03	14
		2804	0	03	18
		2803	0	05	83
		2802	0	00	10
		2801	0	00	83

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		2798	0	06	13
		5294	0	00	10
		2797	0	05	26
		2796	0	01	74
		5505	0	09	96
		2755	0	08	52
		2795	0	00	10
		2760	0	08	40
		2761	0	00	10
		532	0	04	04
		531	0	08	31
	Majhikia	92	0	01	70
		93	0	03	62
		88	0	05	80
		87	0	02	87
		86	0	02	47
		85	0	02	03
		84	0	02	53
		59	0	07	40
		96	0	00	10
		97	0	00	10
		58	0	00	30
		57	0	00	83
		56	0	05	03
		18	0	09	83
		19	0	07	99
		9	0	05	52
		24	0	05	07
		26	0	03	83
		1015	0	00	53
		1023	0	07	14
		27	0	03	44
		29	0	04	38
		993	0	00	53
		30	0	00	90
	Purastarnpur	60	0	06	40
		61	0	03	37
		63	0	05	68
		64	0	04	94
		65	0	06	45
	Barakia	112	0	06	11
		111	0	07	29
		105	0	01	27
		104	0	00	10
		110	0	08	50

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		109	0	04	40
		106	0	02	10
		103	0	05	23
		1672	0	07	99
		78	0	04	88
		82	0	03	97
		1278	0	01	10
		81	0	04	53
		84	0	01	40
		1690	0	04	14
		1689	0	00	89
		67	0	01	86
		201	0	05	88
		1746	0	02	32
		1694	0	00	70
		1778	0	04	92
		203	0	00	49
		202	0	03	11
		205	0	04	61
		206	0	03	62
		207	0	02	62
		1867	0	00	10
		209	0	00	40
		208	0	08	54
		210	0	02	04
		1687	0	00	34
		32	0	02	77
		31	0	01	04
		30	0	09	22
		29	0	01	81
		22	0	20	73
		222	0	00	10
		28	0	00	20
		25	0	01	75
		26	0	01	72
		5	0	02	74
		314	0	00	10
		313	0	06	97
		312	0	08	73
		307	0	00	40
		309	0	06	18
		308	0	00	39
		342	0	01	59
		331	0	01	08
		341	0	05	01

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		339	0	00	91
		340	0	02	42
		338	0	01	47
		337	0	00	23
		336	0	11	72
		344	0	00	28
		335	0	01	12
		1	0	03	29
	Padampur	462	0	03	78
		505	0	02	98
		511	0	02	06
		513	0	01	68
		512	0	01	58
		532	0	01	75
		533	0	01	24
		535	0	06	66
		534	0	00	75
		536	0	06	98
		537	0	00	13
		508	0	00	29
		582	0	04	80
		583	0	02	73
		580	0	01	67
		584	0	01	45
		615	0	05	89
		604	0	01	77
		605	0	01	69
		609	0	01	69
		606	0	01	21
		607	0	02	30
		608	0	02	88
		1822	0	05	19
		1874	0	06	37
		1878	0	04	46
		1877	0	00	33
		1872	0	01	46
		1879	0	03	37
		1880	0	00	87
		1870	0	05	95
		1881	0	07	81
		2019	0	00	57
		1907	0	06	40
		1908	0	00	68
		1906	0	06	33
		1916	0	07	43

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		1917	0	00	10
		1915	0	00	10
		1914	0	06	26
		1913	0	08	63
		1925	0	01	07
		1963	0	00	98
		1962	0	01	57
		1961	0	08	92
		1964	0	00	10
		1960	0	09	93
		1954	0	01	31
		1953	0	08	99
		2092	0	01	14
		2086	0	01	74
		2087	0	00	20
		2091	0	16	35
		2096	0	00	22
		2095	0	00	10
		2482	0	05	50
		2481	0	03	39
		2479	0	04	01
		2478	0	00	45
		2477	0	02	20
		2476	0	03	02
		2474	0	01	84
		2475	0	00	34
		2466	0	07	43
		2473	0	01	08
		2468	0	00	53
		2457	0	12	20
		2453	0	09	75
		2452	0	00	68
		2451	0	05	11
		2448	0	05	31
		2438	0	02	71
		2437	0	01	77
		2449	0	00	10
		2436	0	01	29
		2405	0	02	31
		2399	0	02	01
		2404	0	09	91
		2403	0	00	10
	Talapada	549	0	01	16
		551	0	00	10
		550	0	02	84

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		552	0	00	43
		553	0	02	40
		554	0	05	01
		627	0	07	32
		560	0	09	36
		561	0	00	82
		562	0	00	20
		569	0	00	69
		568	0	04	67
		571	0	05	24
		572	0	05	55
		574	0	05	32
		573	0	00	17
		580	0	02	40
		581	0	05	16
		519	0	05	50
		517	0	01	85
		516	0	00	10
		518	0	11	35
		510	0	00	29
		508	0	00	89
		509	0	07	74
		507	0	02	32
		493	0	00	30
		494	0	04	22
		496	0	08	72
		497	0	08	37
		185	0	00	13
		186	0	05	70
		464	0	05	18
		461	0	01	72
		462	0	00	25
		460	0	02	62
		434	0	06	16
		435	0	03	97
		436	0	03	23
		438	0	00	30
		437	0	06	28
		399	0	01	80
		371	0	00	47
		372	0	06	86
		370	0	08	60
		662	0	01	13
		375	0	00	95
		663	0	04	07

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		365	0	00	31
		379	0	04	30
		625	0	08	71
		356	0	00	64
		357	0	00	10
		355	0	08	85
		358	0	01	54
		308	0	02	45
		647	0	00	81
		354	0	01	42
		353	0	05	80
		350	0	02	68
		352	0	00	10
		351	0	03	98
		317	0	04	80
		318	0	00	84
		320	0	01	64
		319	0	03	43
		322	0	03	30
	Gudu	1815	0	01	80
		1816	0	05	21
		3031	0	01	12
		5004	0	11	94
		3029	0	01	33
		3026	0	04	74
		3024	0	01	65
		3025	0	00	57
		3023	0	02	65
		3020	0	00	15
		3022	0	02	16
		3021	0	04	07
		2282	0	00	78
		2283	0	07	49
		2284	0	03	06
		5690	0	01	98
		5470	0	00	10
		2279	0	02	11
		2268	0	02	65
		2269	0	01	75
		2270	0	02	26
		2271	0	06	73
		2272	0	01	54
		2274	0	06	00
		2276	0	00	10
		2254	0	01	19

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		5249	0	00	15
		2255	0	00	89
		2252	0	03	54
		5282	0	02	22
		5686	0	02	38
		2253	0	02	73
		2341	0	01	59
		2319	0	02	20
		2316	0	00	75
		2318	0	06	00
		2326	0	03	86
		2329	0	03	09
		2327	0	00	10
		2330	0	04	15
		2332	0	00	79
		2333	0	08	43
		2336	0	09	07
		5549	0	00	83
		2348	0	01	95
		2347	0	11	50
		2346	0	00	86
		2350	0	04	33
		2351	0	01	40
	Ranasahi	2621	0	14	60
		2582	0	00	86
		2616	0	08	08
		2617	0	01	48
		2615	0	00	17
		2614	0	04	96
		2636	0	00	17
		2613	0	01	27
		2611	0	00	57
		2612	0	05	36
		2608	0	04	96
		2607	0	12	32
		2441	0	14	74
		2439	0	02	22
		2437	0	01	43
		2436	0	01	33
		2435	0	03	45
		2329	0	00	10
		2330	0	12	84
		2434	0	00	46
		2331	0	05	01
		2338	0	08	82

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		2332	0	01	90
		2334	0	02	79
		2333	0	02	16
		2398	0	10	43
		2383	0	11	28
		2384	0	00	10
		2386	0	00	10
		2371	0	00	77
		2387	0	08	77
		2249	0	14	47
		2246	0	02	08
		2245	0	06	14
		4144	0	07	55
		2244	0	00	49
		2249	0	14	48
		4434	0	00	10
		2248	0	00	10
		2253	0	08	91
		2250	0	00	49
		4408	0	00	10
		2251	0	00	10
		4261	0	03	25
		2255	0	00	38
		2256	0	02	13
		2257	0	02	24
		2258	0	01	76
		2259	0	01	02
		2266	0	04	03
		2262	0	00	81
		2263	0	02	97
		2264	0	00	94
		2069	0	01	50
		2070	0	07	41
		2229	0	06	30
		2226	0	00	10
		2227	0	18	66
		3925	0	09	67
		2228	0	05	53
		2220	0	00	10
		2219	0	06	85
		2218	0	08	94
		4192	0	01	88
		2215	0	00	10
		2216	0	06	54
		2897	0	02	22

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		2998	0	04	18
		2901	0	06	48
		2900	0	00	65
		2902	0	05	75
		2903	0	01	42
		2904	0	11	83
		2908	0	00	25
		2907	0	00	10
		2905	0	05	69
		2906	0	04	40
		1322	0	01	14
		4189	0	02	52
	Hirigan	2110	0	04	96
		2111	0	04	16
		2112	0	07	18
		2109	0	15	43
		2113	0	03	06
		2114	0	01	40
		2115	0	00	83
		5606	0	00	10
		5633	0	01	45
		2177	0	00	59
		2021	0	13	67
		5524	0	06	16
		2020	0	05	63
		2019	0	01	27
		2018	0	01	96
		2017	0	00	10
		1978	0	14	15
		1977	0	05	98
		1974	0	02	48
		1973	0	02	16
		1966	0	05	27
		1963	0	03	01
		1960	0	03	96
		1957	0	03	18
		1698	0	03	40
		1699	0	03	58
		1956	0	00	10
		1700	0	00	80
		5555	0	02	03
		1954	0	05	04
		1703	0	03	44
		1710	0	02	75
		1711	0	03	71

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		5569	0	08	90
		1713	0	00	97
		1714	0	02	66
		1715	0	03	18
		5525	0	00	39
		1716	0	03	49
		1919	0	26	21
		1906	0	05	99
		1907	0	06	34
		1901	0	03	12
		1900	0	03	12
		1895	0	04	63
		1894	0	02	87
		1887	0	05	05
		1882	0	00	91
		1883	0	01	84
		1860	0	03	21
		1867	0	00	10
		1866	0	03	48
		1862	0	03	92
		1850	0	04	18
		1851	0	04	73
		1852	0	00	10
		1842	0	02	22
		1841	0	05	16
		1843	0	03	85
		1844	0	04	29
		1828	0	06	47
		1827	0	03	76
		1826	0	03	25
		1817	0	02	74
		1816	0	06	38
		1815	0	12	07
		1792	0	03	10
		1794	0	02	24
		1795	0	01	19
		1718	0	02	61
		1799	0	03	63
		1809	0	01	06
		1812	0	17	70
		1811	0	01	26
		418	0	00	10
		421	0	14	45
		409	0	04	13
		408	0	01	09

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		407	0	07	45
		406	0	00	96
		391	0	01	22
		390	0	00	87
		379	0	08	34
		373	0	01	05
		381	0	03	81
		380	0	07	78
		386	0	09	13
		382	0	01	11
		383	0	02	12
		190	0	02	57
		191	0	02	79
		175	0	16	43
		172	0	00	20
		176	0	00	32
		174	0	01	56
		173	0	08	43
		177	0	01	92
		178	0	04	43
		179	0	16	35
		180	0	10	37
		181	0	00	24
		157	0	00	67
		156	0	24	77
		158	0	06	97
		250	0	02	92
		273	0	01	42
		274	0	02	40
		275	0	00	16
		277	0	01	85
		271	0	00	16
		278	0	02	37
		279	0	01	39
		280	0	02	20
		284	0	00	92
		283	0	12	24
		285	0	03	79
		286	0	01	86
		182	0	04	43
	Patrapada	825	0	03	62
		824	0	05	04
		802	0	06	39
		800	0	04	78
		796	0	05	64

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		795	0	01	35
		794	0	03	35
		791	0	06	30
		790	0	06	07
		786	0	05	38
		785	0	11	29
		781	0	07	60
		773	0	06	22
		779	0	04	84
		772	0	05	89
		760	0	07	31
		757	0	01	52
		758	0	06	54
		766	0	10	50
		754	0	07	85
		745	0	00	10
		746	0	04	59
		747	0	06	48
		1218	0	07	97
		741	0	10	89
		739	0	07	95
		737	0	12	03
		736	0	04	91
		730	0	02	16
		677	0	02	40
		676	0	02	00
	Purana Balasore	854	0	04	17
		857	0	04	07
		859	0	02	84
		858	0	00	10
		1165	0	09	68
		868	0	05	18
		870	0	01	58
		873	0	03	51
		880	0	03	79
		879	0	00	58
		881	0	07	02
		882	0	00	17
		878	0	04	13
		894	0	00	10
		893	0	04	10
		897	0	02	65
		898	0	01	63
		900	0	03	29
		904	0	02	03

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		905	0	02	50
		915	0	05	78
		914	0	05	47
		916	0	00	38
		913	0	00	48
		912	0	07	67
		949	0	00	10
		948	0	06	09
		947	0	04	39
		964	0	01	08
		963	0	04	84
		962	0	04	51
		961	1	44	144
		1312		02	26
		361	0	00	10
		959	0	07	11
		362	0	06	78
		964	0	01	08
		363	0	01	92
		371	0	00	11
		370	0	00	68
		372	0	06	55
		373	0	06	69
		386	0	04	53
		381	0	06	78
		382	0	04	53
		61	0	00	08
		59	0	03	11
		60	0	07	36
		386	0	00	10
		58	0	05	91
		55	0	00	56
		56	0	01	29
		45	0	00	15
		42	0	06	92
		43	0	07	35
		40	0	02	25
		38	0	09	11
		37	0	00	90
		10	0	02	03
		9	0	10	83
		407	0	05	55
		8	0	03	89
		7	0	01	63
		6	0	05	30

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		5	0	03	73
		4	0	04	11
		412	0	05	13
		1	0	02	92
		1627	0	03	21
		2577	0	03	84
		1626	0	04	24
		948	0	06	09
	Pai Balasore	485	0	02	55
		484	0	00	10
		486	0	01	71
		481	0	24	08
		487	0	03	71
		461	0	38	60
		334	0	06	47
		333	0	06	23
		341	0	02	88
		342	0	00	10
		340	0	04	52
		339	0	06	40
		521	0	00	10
		346	0	00	10
		427	0	00	10
		352	0	01	18
		353	0	01	68
		355	0	02	11
		356	0	00	10
		387	0	00	10
		386	0	05	31
		385	0	00	77
		393	0	05	00
		384	0	04	76
		383	0	01	64
		94	0	03	12
	Pakhrabar	204	0	03	19
		211	0	00	65
		214	0	06	38
		215	0	01	32
		216	0	04	38
		217	0	00	10
		250	0	09	64
		252	0	01	83
		251	0	02	79
		247	0	00	10
		246	0	03	75

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		245	0	00	10
		224	0	04	36
		223	0	01	22
		298	0	04	07
		297	0	00	58
		299	0	03	22
		300	0	03	67
		543	0	03	37
		542	0	00	48
		301	0	00	17
		528	0	09	45
		520	0	00	10
		529	0	02	37
		531	0	02	41
		532	0	08	39
		526	0	05	03
		525	0	00	10
		524	0	03	86
		757	0	00	93
		499	0	07	73
		498	0	05	56
		497	0	00	34
		500	0	00	40
		493	0	02	49
		492	0	09	40
		477	0	08	12
		481	0	00	97
		480	0	02	36
		478	0	02	97
		811	0	03	53
		454	0	00	10
		839	0	01	35
		456	0	01	39
		455	0	02	76
		451	0	03	01
		457	0	02	02
		458	0	04	26
		452	0	00	84
		450	0	01	05
		459	0	00	10
	Dhusuli	785	0	01	77
		782	0	04	14
		781	0	03	52
		780	0	00	10
		754	0	01	13

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		775	0	04	50
		776	0	00	10
		764	0	03	96
		774	0	00	34
		765	0	01	17
		762	0	00	12
		766	0	05	59
		767	0	02	69
		768	0	00	10
		683	0	05	96
		682	0	03	83
		675	0	02	32
		681	0	00	25
		676	0	06	99
		670	0	05	81
		669	0	04	50
		665	0	01	30
		666	0	01	75
		663	0	02	50
		664	0	01	17
		449	0	00	85
		662	0	00	12
		815	0	01	21
		448	0	11	48
		450	0	01	82
		451	0	03	31
		447	0	03	09
		445	0	01	53
		440	0	00	90
		443	0	01	01
		442	0	00	40
		444	0	18	60
		383	0	01	10
		382	0	00	59
		380	0	12	24
		379	0	08	59
		378	0	08	53
		376	0	04	83
		375	0	04	00
		374	0	01	55
	Dumuria	100	0	01	68
		1109	0	00	99
		193	0	06	36
		113	0	00	27
		117	0	18	15

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
		116	0	02	79
		192	0	01	41
		118	0	03	64
		190	0	08	64
		206	0	00	26
		188	0	06	05
		187	0	07	77
		186	0	00	10
		214	0	04	52
		215	0	01	12
		213	0	03	92
		212	0	07	11
		211	0	00	10
		210	0	00	10
		218	0	07	16
		325	0	06	06
		309	0	06	90
		326	0	04	31
		327	0	11	09
		328	0	01	10
		1066	0	01	10
		329	0	05	14
		330	0	01	07
		1092	0	01	43
		332	0	01	63
		331	0	01	43
		334	0	00	63
		333	0	00	97
		300	0	04	78
		299	0	00	15
		252	0	10	09
		294	0	03	06
		290	0	08	49
		292	0	01	64
		291	0	04	40
		288	0	01	05
		286	0	01	38
		287	0	04	47
		281	0	00	32
		358	0	08	80
		357	0	04	29
		367	0	03	74
		368	0	00	46
		366	0	01	41
		363	0	08	56

1	2	3	4	5	6
		375	0	07	07
		377	0	00	45
		485	0	03	45
	Madhusucanpur	254	0	02	70
		282	0	05	88
		283	0	00	78
		618	0	00	75
		617	0	05	94
		616	0	02	34
		615	0	01	79
		609	0	00	17
		611	0	03	36
		610	0	09	50
		613	0	02	78
		630	0	08	80
		640	0	01	33
		643	0	02	65
		639	0	00	17
		644	0	09	29
		646	0	06	59
		647	0	05	33
		714	0	06	35
		653	0	04	21
		705	0	11	48
		655	0	03	77
		704	0	01	82
		700	0	04	69
		698	0	14	00
		695	0	11	20
		808	0	05	99
		809	0	07	02
		810	0	03	80
		685	0	08	42
		813	0	02	96
		815	0	00	70
		817	0	01	30
		816	0	03	54
		1408	0	05	37
		851	0	05	62
		852	0	06	64
		895	0	00	12
		892	0	06	53
		893	0	00	63
		853	0	02	36
		888	0	08	00
		889	0	03	07
		887	0	00	12

1	2	3	4	5	6
		886	0	00	54
		882	0	01	04
		883	0	07	85
		885	0	00	25
		1473	0	01	26
		1378	0	03	42
	Mandadhar	100	0	04	57
		93	0	10	31
		92	0	00	10
		94	0	09	55
	Tentulimundi	262	0	06	79
		263	0	00	74
		260	0	08	56
		266	0	03	68
		289	0	03	74
		267	0	13	37
		268	0	02	59
		191	0	04	02
		190	0	03	67
		189	0	01	53
		188	0	00	10
	Akinia	316	0	07	84
		318	0	00	10
		315	0	05	67
		317	0	00	10
		314	0	06	15
		302	0	00	31
		363	0	00	30
		304	0	09	89
		305	0	03	17
		294	0	03	65
		310	0	05	79
		292	0	04	20
		291	0	02	16
		286	0	03	70
		354	0	04	25
		284	0	08	30
		179	0	00	83
		135	0	07	72
		142	0	00	10
		136	0	00	10
		138	0	05	58
		137	0	07	72
		335	0	00	10
		112	0	08	28
		109	0	00	40

1	2	3	4	5	6
		111	0	08	37
		74	0	02	50
		75	0	01	45
		76	0	03	04
		79	0	02	59
		80	0	06	67
		33	0	06	90
		81	0	04	63
		32	0	02	70
		7	0	00	10
		6	0	14	82
		1	0	12	13
	Bishnupur	50	0	08	29
		51	0	03	52
		52	0	01	84
		53	0	02	09
		46	0	07	34
		44	0	09	12
		55	0	00	10
		56	0	00	10
		43	0	07	69
		39	0	02	15
		32	0	16	33
		33	0	00	55
		31	0	07	66
		29	0	01	46
		30	0	09	62
		3	0	07	89
	Sargan	649	0	00	10
		648	0	00	12
		647	0	00	89
		646	0	05	30
		645	0	02	63
		644	0	02	15
		639	0	08	23
		640	0	04	24
		625	0	00	41
		624	0	04	01
		621	0	00	36
		620	0	07	78
		617	0	08	70
		609	0	01	58
		611	0	07	16
		610	0	02	09
	Junagadia	189	0	05	31

1	2	3	4	5	6
		130	0	00	10
		96	0	07	47
		95	0	12	21
		94	0	03	61
		100	0	03	76
		99	0	00	19
		93	0	04	03
	Hinjila	501	0	00	86
		500	0	04	19
		497	0	02	77
		494	0	07	23
		493	0	09	45
		227	0	16	08
		219	0	00	10
		220	0	06	75
		218	0	05	63
		213	0	01	24
		212	0	03	96
		214	0	00	91
		211	0	03	46
		208	0	00	28
		209	0	00	91
		95	0	01	08
		127	0	10	90
		86	0	03	51
		21	0	02	57
		22	0	02	82
		24	0	03	43
		17	0	12	27
		25	0	03	68
		26	0	05	48
		28	0	00	60
		507	0	02	09
		518	0	04	52
		27	0	00	69
		507	0	01	92
		15	0	01	38
		16	0	00	73
		17	0	06	44
	Amara	766	0	20	62
		588	0	02	43
		587	0	03	69
		574	0	01	70
		584	0	09	20
		583	0	08	17
		579	0	13	06
		522	0	03	09

1	2	3	4	5	6
	Padabadgan	3068	0	04	22
		3069	0	07	94
		3070	0	08	67
		3066	0	06	75
		3065	0	04	05
		3107	0	03	07
		3108	0	05	03
		3109	0	02	52
		3301	0	01	06
		3225	0	05	75
		3300	0	01	51
		3226	0	18	63
		3299	0	01	91
		3290	0	01	84
		3228	0	01	53
		3284	0	04	11
		3283	0	02	76
		3282	0	00	29
		3281	0	02	08
		3236	0	30	62
		3236	0	00	28
		3233	0	00	10
		3197	0	04	94
		3237	0	00	28
		3195	0	06	91
		3193	0	01	69
		3238	0	00	37
		3192	0	12	31
		3504	0	00	46
		3191	0	10	14
		3190	0	10	61
		3246	0	00	10
	Bahadalpur	263	0	04	39
		323	0	00	10
		319	0	03	32
		320	0	02	54
		321	0	08	17
		322	0	00	31
		308	0	23	82
		313	0	09	45
		309	0	13	57
		285	0	01	30
		299	0	03	54
		298	0	15	37
		293	0	04	24
		292	0	04	80

श्रम मंत्रालय

नई दिल्ली, 8 जून, 2004

का. आ. 1529.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II, नई दिल्ली के पंचाट (संदर्भ संख्या 82/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-42011/11/94-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 8th June, 2004

S.O. 1529.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/95) of the Central Government Industrial Tribunal/Labour Court II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 8-6-2004.

[No. L-42011/11/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE, NEW DELHI**

Presiding Officer : R. N. RAI

LD. No. 82/95

In the matter of :—

Shri Eknath and Bhagwat Rai Burman

Versus

Management of C.P.W.D.

AWARD

The Ministry of Labour by its letter No. L-42011/11/94-IR(DU) Central Government Dt. 04-08-1995 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the action of the management of C.P.W.D. in not regularising the services of S/Shri Eknath Mechanic and Bhagwat Rai Barman, Sr. Loader Operator w.e.f. 20-10-1984 and 1-10-1980 respectively is legal and justified? If not, to what relief the concerned workman are entitled?”

The claimant has filed statement of claim. In the statement of claim, they have stated that Shri Eknath, workman was appointed as Muster Roll Mechanic w.e.f. 20-10-84 as skilled workman.

That Shri Bhagwat Rai Burman was appointed as Sr. Loader Operator on muster roll w.e.f. 1-10-1980.

That Shri Eknath, Mechanic is presently getting wages in the time scale of Rs. 950-1500 and Shri Bhagwat Rai Burman, Sr. Loader Operator is getting the wages in the time scale of Rs. 1200-1800 respectively.

That after the judgement of Hon'ble Supreme Court in the matter of Surinder Singh and others vs. Engineer-in-Chief, CPWD dated 17-1-1986, the workman got arrears of wages as equal pay for equal work as their counterparts have been getting the pay scales attached to their posts.

That the management has been performing the work for maintenance of building, road, construction work etc. so the establishment is covered under Section 2(g) of the payment of Wages Act, 1936.

That under the management, more than 25,000 workmen are working in their establishment in Delhi i.e. CPWD/PWD and under the establishment of Executive Engineer, PWD Division-5, also more than 400 workmen are working.

That the management has not been regularising the services of the workmen on the ground that they have not qualified the trade test on the same work they have been performing since their engagement in the grade.

That the authorised persons of the above management had taken the trade test and completed all the formalities before engaging them on muster roll so both of them are performing their duties efficiently and acquired sufficient experience and knowledge in the actual discharge of duties attached to the posts held by them.

That the Hon'ble Supreme Court in the matter of Bhagwati Prasad and Delhi State Mineral Development in the judgement dated 15th of December, 1989 has held that once the appointments were made as daily rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications.

The management has filed written statement. In the written statement, it has been stated that Shri Eknath was engaged as a daily wages worker (Muster Roll-Khallasi) w.e.f. 20-10-1984 i.e. as unskilled daily wages labour. His wages were increased w.e.f. 26-10-1984 and he continued to work as daily wages worker (Muster roll Assistant Mechanic). He failed in the trade test as per the result declared by the Supdt. Engineer (Coordination) on dt. 4-10-1993 which is annexure-I. Passing of the trade test is a pre-requisite condition for the recruitment at the post of mechanic. He also does not possess the trade certificate from a recognized Vocational Training Institute.

Shri Bhagwat Rai Barman was engaged as Sr. Loader Operator on Muster Roll w.e.f. 1-10-1980, the pay scales were allowed in the light of judgement dt. 17-01-1986 by the Hon'ble Supreme Court of India.

It has been stated in the written statement that they are not eligible for regularisation in their present posts as they do not possess qualifications as laid down in the CPWD Manual.

The workman has filed rejoinder. In the rejoinder, they have denied the statement of claims and they have stated that even if they have not passed trade test and even if they do not possess requisite qualification, they have been working for a very long period and they should be regularised at the post at which they are working.

Heard arguments from both the sides and perused the papers on the record.

It has been submitted by the side of the workman that they have been employed since 1980 and 1984 so they have worked for a longer period and after considering their qualification, they have been so engaged so they need not be required again to possess qualification or to pass trade tests in view of the decision of the Hon'ble Supreme Court. The Hon'ble APEX Court has held in the matter of Bhagwati Prasad Versus Delhi State Mineral Development in its judgement dt. 15th December, 1989 that qualifications are to be considered at the time of initial appointment and test should be taken at the time of initial appointment. The workman who has worked for a very long period, he cannot be required to pass trade test and to possess requisite qualifications as this matter should have been considered at the time of initial appointment. The Hon'ble APEX Court has further held that the qualifications may be relaxed, if the workman has worked for a longer period and passing of the trade test is not necessary, it ought to have been taken at the time of initial appointment, the workman had worked since 1980-1984 as they possess sufficient qualification and they have worked for 11 to 15 years.

It was argued from the side of the management that the workman do not possess the required qualification and they have not passed the trade test. For their regularisation, minimum requisite qualification is necessary.

In view of the Hon'ble Supreme Court Judgement, the passing of the trade test after 10-11 years service is not necessary. Even the educational qualifications may be relaxed in case the employees have worked for a very long period. The employees in this case are working since 1984 and 1980 so till date they have put more than 20 years of service. After completion of 20 years of service, the requisite qualifications cannot be expected from them. It should be relaxed. So far as trade test is concerned, the Hon'ble APEX Court has held that the trade test is not essential it should be taken at the stage of initial appointment.

That in the Light of the judgement of the APEX Court, the workmen deserve to be regularised on the post held at present from the date of their appointment i.e. 20-10-1984 and 1-10-1980. The rules of establishment regarding recruitment cannot be override or brush aside the directions of the Hon'ble APEX Court. As such, trade test and minimum educational qualification in respect of these two

workmen should be relaxed in view of their long experience of work. The workmen deserve to be regularised. The reference is replied thus :—

The action of the management of C.P.W.D. is not regularising the services of S/Shri Eknath, Mechanic and Bhagwat Rai Barman, Sr. Loader Operator w.e.f. 20-10-1984 and 1-10-1980 respectively is neither justified nor legal. The workmen deserve to be regularised from the date of their initial service i.e. 20-10-1984 and 1-10-1980 respectively.

Dated : 7-6-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 8 जून, 2004

का. आ. 1530.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिल्ली मिल्क स्कीम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 67/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-42011/49/95-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1530.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/98) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Delhi Milk Scheme and their workman, which was received by the Central Government on 8-6-2004.

[No. L-42011/49/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE, NEW DELHI**

Presiding Officer : R. N. RAI

I.D. No. 67/98

In the matter of :—

Dharam Chand

Versus

Management of Delhi Milk Scheme

AWARD

The Ministry of Labour by its letter No. L-42011/49/95-IR(DU) Central Government dt. 20-02-1998 has referred

the following point for adjudication. The Point runs as hereunder :—

“Whether the action of the management of Delhi Milk Scheme in denying regularisation and promotion to Shri Dharam Chand, Boiler-cum-Mechanic while regularising and promoting his junior Shri Dharam Singh, even though he also did not meet the qualification requirement is legal and justified? If not to what relief is the workman entitled to?”

The workman has filed statement of claim. In his statement of claim, he has stated that he has worked for about five years as fireman/boiler mechanic in factories in Haryana. He was awarded a second class Boiler Attendant Certificate of competence from Delhi State in April, 1964, and was thus qualified to hold the post of Boiler-cum-Mechanic. The appointment was for a specific period from 5-7-1964 and he was directed to report for duty on 5-7-1964 at the Milk Collection and Chilling Centre, Baghpat. He reported for duty on the forenoon of 5-7-1964, the workman continued to be in employment as badli Boiler-cum-Mechanic at various centres upto 31-12-1965 when his services were terminated on the alleged grounds of not possessing middle class educational qualification.

That the management of Delhi Milk Scheme notified the new Recruitment Rules for the post of Boiler-cum-Mechanic on 5-7-1964 which were prescribed as follows :—

Middle School standard pass.

Must possess 2nd class Boiler Attendant Certificate.

Must have 3 years experience as Boiler Attendant out of which at least one year should be after obtaining the Boiler-Attendant Certificate.

It has been further stated that a proviso bearing No. 7-111/64/DD was however, introduced in the recruitment rules on 23-12-1964. According to the said proviso “nothing in these rules shall be deemed to preclude any person holding any of the said posts on a regular basis at the commencement of these rules from being confirmed in that post.....” Thus, a provision was made that persons already appointed prior to the promulgation of the new recruitment rules would not suffer any infirmity, and the workman was appointed prior to promulgation of the said Recruitment Rules.

It has been further stated that “Badli” means a worker who is employed for the purpose of working in place of regular employees who are temporarily absent.

“Provided that a badli worker who has actually worked for not less than 240 days in any period of 12 months shall be transferred to regular establishment governed by the Fundamental and Supplementary Rules.”

It has been stated in the statement of claim that he has not been regularised and the termination of the services is arbitrary and illegal.

The management has filed written statement and it has been stated in the written statement that the claimant has filed petition in the Central Administrative Tribunal and was dismissed on merit, hence the present claim petition is barred by the principle of res-judicata, hence liable to be dismissed.

That the present claim petition is barred by the limitation as the claimant approached this Hon'ble Tribunal after more than 35 years, hence liable to be dismissed.

It is wrong and denied that the claimant worked about five years as Fireman/Boiler Mechanic. However, it is submitted that claimant was appointed on daily wages for different periods during the year 1964-65. Some of the paragraphs of the claim have been admitted and most of the statement of paragraphs have been denied. It is further submitted that the workman worked for 32 days in 1964 and 223 days in 1965 so he has not worked for 240 days in any calendar year. Age limit for direct recruitment is between 18 to 25 years. Educational and other qualifications are middle school.

The claimant has filed rejoinder and in his rejoinder he has stated that he has worked for more than 240 days and he has emphatically denied all the allegations of the written statement.

Heard arguments from both the sides and perused the papers on the record. Letter dt. 15-10-1982 indicates that the workman does not have the requisite qualification so his case was not considered for promotion.

A certificate has already been issued that Shri Dharam Chand/mate was appointed as Boiler-cum-Mechanic in Delhi Milk Scheme on daily wages w.e.f. 5-7-1964 and he worked for Boiler-cum-Mechanic for 169 days from 8-1-1965 to 25-6-1965 continuously without any break at the Collection & Chilling Centre, Dhanakaur. A copy of letter dt. 7-1-1965 from Delhi Milk Scheme and note dt. 25-6-1965 from Officer Incharge, Dhankaur shows that the workman worked on all holidays. The workman was relieved from his duties on 25-6-1965 afternoon and worked as Boiler-cum-Mechanic at the Central Dairy from 29-6-1965 to 26-7-1965 for 28 days, then worked for 61 days from 1-10-1965 to 30-11-1965. When his services were terminated on 30-11-1965 afternoon, the workman had rendered continuous service for 258 days during the preceding twelve months.

It was argued from the side of the management that since the workman has not completed 240 days in 12 months, he is not entitled to get the benefit of proviso. He has worked in the year 1965 for 223 days in eight months and w.e.f 5-7-1964 to 5-8-1964 for 32 days. As such, he has worked for only 9 months in total. The workman has worked for 255 days in two years i.e. 1964-1965. He has not worked for 240 days in 12 months or a calendar year. So proviso is not applicable in his case. It has been further submitted by the management that he does not come under the age limit as well as the educational qualification so he was not regularised in view of circular referred to above.

It has been submitted from the side of the workman that he has worked for 255 days so he should be regularised. So far as the working period of the workman is concerned, it relates to one month in 1964, and eight months in 1965 so he has worked for 9 months and that too on leave vacancy as is evident from the certificate filed by the workman himself. If some month, he has worked for 5 days only and it indicates that whenever any employee in any department was absent due to leave, he was called and posted there so he has not worked regularly for 12 months or 240 days. It is the burden of the workman to prove that he has worked for 240 days but this workman has failed to prove that he has worked for 240 days continuously in 12 months or 240 days in a year. As such, the action of the management is justified. He has filed this ID case after 35 years. Though there is no period of limitation but 35 years period is a long period and he has not completed the 240 days work. So his claim is liable to be rejected and he is not entitled to any relief.

The award is replied thus :—

The action of the management of Delhi Milk Scheme in denying regularisation and promotion to Shri Dharam Chand, Boiler-cum-Mechanic while regularising and promoting his junior Shri Dharam Singh, even though he also did not meet the qualification requirement is legal and justified. The workman is not entitled to get any relief.

Dated : 26-05-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 8 जून, 2004

का० आ० 1531.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डा. राम मनोहर लोहिया अस्पताल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 10/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-42012/55/93-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1531.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/94) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dr. Ram Manohar Lohia Hospital and their workman, which was received by the Central Government on 8-6-2004.

[No. L-42012/55/93-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

I.D. No. 10/94

Presiding Officer : R.N. RAI.

In the matter of :—

Chander Bhan

Versus

Dr. Ram Manohar Lohia Hospital

AWARD

The Ministry of Labour by its letter No. L-42012/55/93-IR(DU) Central Government Dt. 07-01-1993 has referred the following point for adjudication. The point runs as hereunder :—

“Whether the Medical Supdt., Dr. Ram Manohar Lohia Hospital, New Delhi is justified in removing Shri Chander Bhan, Nursing Attendant from service w.e.f. 2-12-1988? If not, what relief the workman concerned is entitled to ?

The workman was appointed as Temporarily Nursing Orderly in the Hospital in scale of Rs. 196-220-EB-3-232 plus usual allowances as admissible w.e.f. 19-4-1980 (FN).

That the above said workman had unblemished and untouched record of services to his credit and he had never given a chance of complaint to the management.

That all of a sudden and to his great surprise, the above said workman was asked to submit explanation about the certificate submitted by him at the time of appointment.

Shri I.J.S. Bhatia, was appointed as an Enquiry Officer for holding a domestic enquiry into the charges levelled against the said workman, by the management.

He was not afforded full opportunity of being heard and the enquiry officer being an employee of the hospital was biased.

That the enquiry so conducted by the hospital authority against the workman was not fair and proper and the charges levelled against the workman were baseless, and frivolous.

That the workman at the time of his employment was asked to submit the certificates i.e. Birth Certificate, School Leaving Certificate of the Head Master, M.C. Primary School, Dabri, New Delhi. The workman further applied to the school authorities for changing his name as Chander Bhan instead of Maha Singh, and on his request the said certificate was issued by the school in the name of Chander Bhan which was submitted by the workman to the management. Unfortunately, the school authorities had not corrected the name of the workman in the school records and as such at the time of verification, the school authorities could not certify the correctness of the said school leaving

certificate to the management. It is pertinent to mention here that if the workman had any malafide intention then he could not have submitted the said certificate to the management. Further if the said school certificate had been false then the father's name of the workman, his date of birth and the caste to which the workman belongs would not have been the same as given in the said school leaving certificate at admission No. 627.

The management has filed written statement. The management has stated that the claim is bad for non-joinder and mis-joinder of necessary parties as much as the workman has failed to implead Union of India, which is necessary party in the matter and the same is liable to be dismissed.

That the workman was removed from service after holding departmental enquiry and considering the findings of departmental inquiry conducted under CCS Rules for submission of a false SLC at the time of his appointment w.e.f. 2-12-1988. The workman was employed in Dr. Ram Manohar Lohia Hospital, New Delhi, temporarily w.e.f. 19-4-1980 and forfeits his right to claim terminal Gratuity on his removal as penalty.

It has been stated in the written statement that the workman who entered into Government service on the basis of a false certificate of education deserves no leniency on the part of the management and the Medical Supdt. was justified in removing him from service after a proper departmental inquiry.

The workman has filed rejoinder. In his rejoinder, he has denied all the allegations of the written statement and has emphatically submitted that Shri Maha Singh and Chander Bhan are the same persons. It is due to the illiteracy of his grand mother that she got his nick name recorded in the school instead of his actual name Chander Bhan and that is on the records of the MC Primary School. The name of the workman existed as Maha Singh instead of Chander Bhan. The said facts were duly brought in the knowledge of the management by submitting different documents to this effect i.e. a certificate issued by Head Master of M.C. Primary School dt. 27-5-1987, upon which the photo was also attested by the principal.

Heard arguments from both the sides and perused the papers on the record. It was argued from the side of the workman that workman and Maha Singh are one and the same person. A certificate to this effect of Village Pradhan Dabri was also submitted to the management and a certificate from the Head Master of M.C. Primary School, Dabri, New Delhi alongwith attested copy of the photograph of the workman was also submitted to prove the genuineness of the school leaving certificate issued by the Head Master of the same institution.

It was argued further that these paper established the fact that Maha Singh and Chander Bhan are the one and the same person. It may be thought by his illiterate grand mother that the name of his grand son was Maha Singh and the same was recorded in the school register but subsequently rectification was made and the application

was given and a certificate in the name of Chander Bhan was issued but in the school record, it was not corrected.

It was submitted by the management that he has submitted the certificate of Chander Bhan son of Shri Balbir Singh whereas in the school register, his name has been recorded as Maha Singh son of Shri Balbir Singh and he has passed. He passed 5th class in 1974 so his date of birth is the same. Father's name is the same and according to Village Pradhan certificate, the address of the village is also the same. It cannot be said that Maha Singh and Chander Bhan are not the same person. On going through the evidence on record, it appears that Maha Singh was his nick name but the workman applicant was negligent. He did not get his name corrected and therefore, the departmental enquiry was held and his services were terminated. As such, the workman has committed a serious mistake and the opposite party has to institute the enquiry. Since Maha Singh and Chander Bhan have got the same parentage, same age and same address and his photo has been certified as Maha Singh and the photo of Chander Bhan is the same. The workman applicant is the same. So it appears that by mistake in school register, his nick name was recorded and when an enquiry was made, it came to the knowledge of the opposite party that he had filed a false certificate. The certificate is not false one but it is due to mistake that his name remained Maha Singh whereas the date of birth, his address and his father's name is the same. These are such circumstances which undoubtedly indicate that Shri Maha Singh and Chander Bhan are one and the same person.

That the workman has caused the great difficulty to the management by producing apparently a false certificate so the workman is not entitled to get any back wages. He is entitled to the reinstated in service from 1-1-2000 and he will get due increments but no back wages.

The award is replied thus :—

The Medical Supdt., Dr. Ram Manohar Lohia Hospital, New Delhi is not completely justified in removing Shri Chander Bhan, Nursing Attendant from service w.e.f. 2-12-1988. The workman is entitled to be reinstated from 1-1-2000 with due increments but without any back wages.

The award is given accordingly.

Dated : 4-6-2004.

R.N. RAI, Presiding Officer

नई दिल्ली, 8 जून, 2004

का० आ० 1532.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, आकाशवाणी प्रबंधन के नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जोधपुर (संदर्भ संख्या 20/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल-22012/254/2001-आई.आर. (सी-II)]

एन० पी० केशवन, डैस्क अधिकारी

New Delhi, the 8th June, 2004

S.O. 1532.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2002) of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the Industrial Dispute between the management of Akashvani and their workmen, received by the Central Government on 7-6-2004.

[No. L-42012/254/2001-IR(C-II)]

N. P. KESAVAN, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय

जोधपुर

पीठासीन अधिकारी :—श्रीमती निशा गुप्ता,

आर.एच.जे.एस. औ.वि. (केन्द्रीय)

सं. :— 20/2002

अर्जुन कुमार पुत्र श्री वल्लभ जी जाति ब्राह्मण

निवासी प्लॉट नं. 47 रिपयुजी कॉलोनी,

प्रतापनगर, जोधपुर

..... प्रार्थी

बनाम

केन्द्र निदेशक, आकाशवाणी,

पावटा सी रोड,

जोधपुर

..... अप्रार्थी

उपस्थिति :—

(1) प्रार्थी प्रतिनिधि श्री एल.एल. शर्मा उप.

(2) अप्रार्थी प्रतिनिधि श्री रवि भैसाली उप.

अधिनिर्णय

दिनांक 2-4-2004

श्रम मंत्रालय भारत सरकार नई दिल्ली में अपनी अधिसूचना क्रमांक एल.-42012/254/2001 दिनांक 29-7-2002 से निम्न विवाद वास्ते अधिनिर्णय इस न्यायालय को प्रेषित किया है :—

“क्या निदेशक आकाशवाणी जोधपुर द्वारा श्रमिक श्री अर्जुन कुमार पुत्र श्री वल्लभ को दिनांक 15-3-2000 से सेवा से पृथक करना उचित एवं वैध है ? यदि नहीं तो श्रमिक क्या राहत पाने का अधिकारी है ?”

प्रार्थी ने अपना मांग-पत्र प्रस्तुत करते हुए अभिकथित किया कि प्रार्थी की नियुक्ति अप्रार्थी के अधीन 1-4-1980 को दैनिक वेतन भोगी के रूप में हुई, प्रार्थी 22-6-83 को जब कार्य पर उपस्थित हुआ तो उसे बिना कारण के अप्रार्थी ने कार्य पर लेने से मना कर दिया, पत्र व्यवहार करने पर प्रार्थी को पुनः 9-1-84 को कार्य पर लिया परन्तु 3-3-84 को पुनः बिना किसी कारण के सेवाएं समाप्त कर दीं जिसपर प्रार्थी ने केन्द्रीय श्रम आयुक्त, अजमेर के समक्ष विवाद प्रस्तुत किया लेकिन बात असफल रही और मामला केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर को निर्णय हेतु प्रेषित किया, केन्द्रीय न्यायाधिकरण, जयपुर द्वारा दोनों पक्षों को सुनकर 15-4-93 को निर्णय करते हुए प्रार्थी की सेवाएं 3-3-84 से समाप्त करने की कार्यवाही को अवैध अनुचित घोषित किया तथा प्रार्थी को सेवा की निरन्तरता में सभी लाभों व पिछले समस्त वेतन सहित पत्रा में पुनः स्थापित किये जाने का अधिनिर्णय पारित किया,

अप्रार्थी ने उक्त एवार्ड की पालना न कर माननीय उच्च न्यायालय में रिट याचिका प्रस्तुत की जिसमें दोनों पक्षों को सुनकर 7-3-95 को याचिका निर्णित करते हुए मामला केन्द्रीय न्यायाधिकरण, जयपुर को 240 दिन की गणना हेतु प्रेषित कर दिया, केन्द्रीय न्यायाधिकरण द्वारा पुनः दोनों पक्षों को सुनकर 5-1-96 को निर्णय पारित किया व प्रार्थी की सेवा को निरन्तर बनाये रखते हुए पुनः सेवा में बहाल होने का व जाँच को अवधि का समस्त वेतन व अन्य आर्थिक लाभ नियमानुसार प्राप्त करने का अधिकारी घोषित किया जिसपर अप्रार्थी ने पुनः रिट याचिका पेश की जिसपर माननीय उच्च न्यायालय ने पुनः 23-10-97 को याचिका निर्णित करते हुए 240 दिवस की गणना हेतु केन्द्रीय न्यायाधिकरण जयपुर को प्रकरण प्रेषित किया, केन्द्रीय न्यायाधिकरण द्वारा उच्च न्यायालय के निर्देशानुसार पुनः सुनवाई कर 26-11-97 को एवार्ड जारी किया व प्रार्थी की 3-3-84 से सेवा समाप्ति को अनुचित व अवैध घोषित करते हुए सेवा समाप्ति से सेवा में लिये जाने तक के बीच की अवधि का 50 प्रतिशत वेतन व अन्य लाभ प्राप्त करने का अधिकारी घोषित किया जिसपर अप्रार्थी द्वारा पुनः रिट याचिका प्रस्तुत की जो 17-8-99 को निर्णित की गई व 50 प्रतिशत के स्थान पर 30 प्रतिशत वेतन व अन्य लाभ प्राप्त करने का अधिकारी घोषित किया, उक्त निर्णय के विरुद्ध अप्रार्थी ने कोई अपील नहीं की व निर्णय के पश्चात् प्रार्थी अप्रार्थी के यहां काम पर उपस्थित हो गया परन्तु उसे कार्य पर नहीं लिया गया व अन्ततः दिनांक 15-11-99 को कार्य पर लिया व 15-3-2000 को पुनः अचानक आदेश जारी कर प्रार्थी की सेवाएं समाप्त कर दी जो 25-एफ के प्रावधानों के सर्वथा विपरीत है तथा अनुचित श्रम अभ्यास है। यह कहा गया है कि प्रार्थी को हटाने के पश्चात् राजेन्द्र को चपरासी से एल.डी.सी. के पद पर स्थाई कर दिया अन्नाराम को भी चपरासी पद पर स्थाई कर दिया, 1987 में ओमप्रकाश की नियुक्ति की जिसे भी माली के पद पर स्थाई कर दिया। यह भी कहा गया है कि 15-11-99 को कार्य पर लेने के पश्चात् पिछला बकाया का भुगतान भी नियमानुसार नहीं दिया बल्कि 35194/ की राशि ही अदा की। अन्त में निवेदन किया कि प्रार्थी की 15-3-2000 से सेवामुक्ति अनुचित एवं अवैध घोषित की जाकर प्रार्थी को पुनः सेवा की निरन्तरता में पूर्ण लाभों सहित सेवा में पुनर्स्थापित किये जाने का एवार्ड जारी किया जावे।

अप्रार्थी की ओर से जवाब में कहा गया कि प्रार्थी को आकस्मिक कार्यों के लिए मजदूरों की आवश्यकता होने पर दैनिक वेतन भोगी के रूप में मस्टर रोल पर लगाया था, प्रार्थी ने वर्ष 1980 में 209 दिन वर्ष 81 में 169 दिन एवं वर्ष 82 में व 83 में 188 दिन कार्य किया, इसके पश्चात् औ. प्राधिकरण जयपुर के निर्णय दिनांक 26-11-97 एवं माननीय उच्च न्यायालय जोधपुर के निर्णय दिनांक 17-8-99 की पालना में प्रार्थी को दैनिक वेतन भोगी के रूप में पुनः रखा गया। यह कहा गया है कि वास्तव में माननीय उच्च न्यायालय के निर्णय दिनांक 17-8-99 की पूर्ण रूप से पालना की गई एवं न्यायालय के आदेशानुसार की प्रार्थी को 17-8-99 से सेवा में लिया माना गया जब कि प्रार्थी ने वास्तव में उपस्थिति दिनांक 15-11-99 को दी, चूंकि अप्रार्थी कार्यालय में दैनिक वेतन भोगी मजदूरों के लिए स्पेसिफिक कार्य नहीं होने के कारण प्रार्थी को 15-3-2000 को सेवा से पृथक करते हुए औ. वि. अधिनियम की पूर्ण पालना करते हुए प्रार्थी को नियमानुसार भुगतान किया गया जो सही एवं वाजिब है। अप्रार्थी को जब-जब भी आकस्मिक श्रमिकों की आवश्यकता हुई मस्टर रोल पर रखा गया इसके अलावा जब भी वगैरह “घ” के पद रिक्त हुए उन्हें भरने के लिए नियोजन कार्यालय से सूची मंगवाई गई एवं साक्षात्कार की सूची अनुसार नियुक्ति दी गई इसी क्रम में

राजेन्द्र एवं अन्नाराम को नियोजन कार्यालय की सूची अनुसार चपरासी एवं फरारि के पद पर नियुक्ति दी गई जब कि प्रार्थी का नाम नियोजन कार्यालय से कभी प्राप्त नहीं हुआ, ओमप्रकाश माली की नियुक्ति भी वर्ष 1993 में नियोजन कार्यालय के मार्फत चयन के पश्चात् की गई। अप्रार्थी द्वारा प्रार्थी को 3-3-84 से 14-11-99 की अवधि का बैंक वैजज माननीय उच्च न्यायालय के आदेशानुसार 35174 रुपये का भुगतान किया जा चुका है। यह कहा गया है कि प्रार्थी मस्टर रोल पर कार्य करता था साथ-साथ अपनी चाय का ठेला भी करता था चूंकि अप्रार्थी को अब दैनिक वेतन भोगी श्रमिक की कोई आवश्यकता नहीं है इसलिये धारा 25-एफ (बी) की पूर्ण रूप से पालना करते हुए 15-3-2000 का आदेश पारित किया है जो सही है। अन्त में निवेदन किया कि प्रार्थी का मांग-पत्र सव्यय खारिज किया जावे।

मांग-पत्र के समर्थन में स्वयं प्रार्थी ने अपना शपथ-पत्र प्रस्तुत किया जिसपर अप्रार्थी प्रतिनिधी द्वारा जिरह की गई तथा अप्रार्थी की ओर से राकेश अम्बा का शपथ-पत्र पेश किया जिस पर प्रार्थी प्रतिनिधी द्वारा जिरह की गई। प्रार्थी की ओर से विभिन्न दस्तावेजात की फोटो स्टेट प्रतियां पेश की गईं।

दोनों पक्षों के प्रतिनिधीगण की बहस सुनी, पत्रावली का अवलोकन किया गया।

प्रार्थी द्वारा यह कहा गया कि उसे 1-4-80 को दैनिक वेतन भोगी के रूप में नियोजित किया गया, उसकी सेवाएं 3-3-84 को समाप्त कर दी गईं परन्तु न्यायिक निर्णय के पश्चात् उसे 15-11-99 को पुनः कार्य पर लिया गया और 15-3-2000 के आदेश से उसकी सेवा समाप्त कर दी गई जो त्रुटीपूर्ण है जब कि उससे कनिष्ठ राजेन्द्र, अन्नाराम ओमप्रकाश आदि को स्थाई कर दिया गया है।

विपक्षी द्वारा यह कहा गया कि प्रार्थी की आवश्यकता नहीं होने के आधार पर उसे हटाया गया और नई नियुक्ति के समय नियोजन कार्यालय में प्रार्थी का नाम नहीं आया था अतः उसे नियुक्ति नहीं दी गई।

प्रार्थी ने अपनी प्रतिपरीक्षा में यह कथन किया है कि नियोजन कार्यालय की सूची में उसका नाम आया था या नहीं उसे पता नहीं और उसे गलत तौर पर हटाया है।

विपक्षी की ओर से राकेश अम्बा अधीक्षण अभियन्ता पेश हुए हैं उन्हें राजेन्द्र, अन्नाराम ओमप्रकाश के सम्बन्ध में कोई जानकारी नहीं है, इन्होंने इस बात से इन्कार किया है कि प्रार्थी को दुर्भाग्य से हटाया हो।

प्रार्थी की ओर से विभिन्न निर्णय जो उसके पक्ष में हुए वे पेश किये गये हैं जिससे स्पष्ट है कि प्रार्थी की सेवा मुक्ति पूर्व में अवैध मानी गई थी और उसे पुनः सेवा में स्थाई करने का आदेश दिया गया, उसकी सेवाएं निरन्तर मानी गईं।

15-3-2000 का आदेश पेश हुआ है जिसमें कहा गया है कि प्रार्थी के लिए कोई विशिष्ट कार्य नहीं है अतः उसे हटाया जा रहा है। परन्तु स्वयं विपक्षी के जवाब से यह स्थिति स्पष्ट है कि प्रार्थी को हटाने के बाद अन्य व्यक्तियों राजेन्द्र, अन्नाराम आदि को नियोजित किया गया एवं नियोजन के पूर्व प्रार्थी को कोई नोटिस भेजा गया हो या उसे नियोजन का कोई अवसर दिया गया हो ऐसी स्थिति नहीं है। विपक्षी का यह कहना कि नियोजन कार्यालय से नाम नहीं आया परन्तु नियोजन कार्यालय में नाम नहीं आने मात्र से विपक्षी धारा 25-एच के प्रावधानों की पालना करने से मुक्त नहीं हो जाता। धारा 25-एच में यह स्थिति स्पष्ट है कि यदि नियुक्ता पुनः नियोजन करेगा तो पूर्व में कार्यरत श्रमिकों

को अवसर दिया जायेगा परन्तु प्रार्थी को ऐसा कोई अवसर नहीं दिया गया।

यह स्थिति भी स्पष्ट है कि प्रार्थी विपक्षी के अधीन 1-4-80 से काम कर रहा था और उसे 15-3-2000 को 20 वर्ष की सेवा अवधि पूर्ण करने के पश्चात् काम नहीं होने के आधार पर हटाया गया परन्तु इसके पूर्व वरिष्ठता के क्रम का कोई ध्यान रखा गया हो ऐसी कोई स्थिति प्रस्तुत नहीं की गई है। प्रार्थी का यह कथन है कि राजेन्द्र, अन्नाराम आदि को स्थाई कर दिया गया है इसका कोई खण्डन विपक्षी की ओर से प्रस्तुत नहीं किया गया है। विपक्षी की ओर से पेश साक्षी राकेश अम्बा को इस सम्बन्ध में कोई जानकारी नहीं है।

इस प्रकार प्रार्थी को बिना कारण हटाने का उद्देश्य उसे परेशान करना मात्र प्रतीत होता है और यह श्रम विरोधी कृत्य स्पष्टतौर से प्रतीत होता है, पुनः नियोजन में भी प्रार्थी को कोई अवसर नहीं दिया गया, यह स्थिति स्वयं प्रतीत होती है कि प्रार्थी द्वारा सेवा मुक्ति का विवाद न्यायालय में पेश करने के कारण उसे सेवा पृथक किया गया है। 20 वर्ष की सेवा अवधि पूर्ण करने के पश्चात् श्रमिक को बिना कारण हटाने का कोई आधार नहीं है।

प्रार्थी की ओर से डब्लू.एल.सी. राजस्थान 1998 (यू.सी.) पेज 328 वीरेंद्र कुमार शर्मा बनाम श्रम न्यायालय जयपुर का विनिश्चय पेश किया जिसमें कर्मकार को परिभाषित किया गया जिसका कोई विवाद नहीं है।

प्रार्थी की ओर से 1992 (1) डब्लू.एल.सी. (राज.) पेज 708 लोकरा कुमार बनाम राजस्थान राज्य, 1999 (1) डब्लू.एल.सी. (राज.) पेज 43 मदन सिंह रावत बनाम अजमेर सेन्ट्रल कॉर्पोरेटिव बैंक, 2002 (3) डब्लू.एल.सी. राजस्थान पेज 728 भवानी सिंह बनाम राज्य के विनिश्चय पेश किये जिसमें स्पष्ट किया गया है कि जब नियमित पद हैं तब दैनिक श्रमिकों को नियोजित करना और उन्हें लम्बे समय तक इसी रूप में रखना त्रुटीपूर्ण है श्रम पद्धति है। प्रस्तुत प्रकरण में भी स्थिति इसी के समान है, प्रार्थी 1980 से विपक्षी के अधीन नियोजित है, उसके बावजूद भी बिना कारण सेवापृथक करना और पुनः नियोजन में धारा 25-एच की पालना नहीं किया जाना त्रुटीपूर्ण है।

प्रार्थी की सेवामुक्ति 15-3-2000 को की गई जब कि यह रेफरेन्स श्रम मंत्रालय भारत सरकार द्वारा इस न्यायालय को 29-7-2002 को प्रेषित किया गया, यह स्थिति भी सही है कि प्रार्थी ने 15-3-2000 के पश्चात् कोई कार्य नहीं किया है अतः समस्त तथ्यों एवं परिस्थितियों को देखते हुए प्रार्थी को रेफरेन्स की तिथि 29-7-2002 से आदेश की पालना तक 25 प्रतिशत राशि पूर्व भूति के रूप में दिलाई जाती है।

अधिनिर्णय

अतः यह अधिनिर्णित किया जाता है कि निर्देशक आकाशवाणी जोधपुर द्वारा श्रमिक श्री अर्जुन कुमार पुत्र श्री बल्लभ को दिनांक 15-3-2000 से सेवा पृथक करना अनुचित एवं अवैध है। अतः आदेशित किया जाता है कि विपक्षी नियोजक प्रार्थी को तुरन्त सेवा में पुनर्स्थापित करे, प्रार्थी की सेवाएं निरन्तर मानी जावेगी, प्रार्थी विपक्षी नियोजक से रेफरेन्स की तिथि 29-7-2002 से आदेश की पालना तक 25 प्रतिशत राशि पूर्व भूति के रूप में प्राप्त करेगा।

निशा गुप्ता, न्यायाधीश

नई दिल्ली, 8 जून, 2004

का. आ. 1533.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध निवृत्तियों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नई दिल्ली-II के पंचाट (संदर्भ संख्या 113/97) को प्रस्तुत करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-12012/267/96-आई. आर. (बी. II)]

सी. गंगाधरन, जवर सचिव

New Delhi, the 8th June, 2004

S.O. 1533.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 113/97) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-II as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank, and their workman, which was received by the Central Government on 8-6-04.

[No. L-12012/267/96-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI**

R. N. RAI : Presiding Officer

I.D. NO. 113/97

In the Matter of :

HARI SHANKAR

VERSUS

PUNJAB NATIONAL BANK

AWARD

The Ministry of Labour by its letter No. L-12012/267/96/IR (B-II) Central Government dt. 29-07-1997 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Punjab National Bank, Bulandshahr in terminating the services of Shri Hari Shankar, Ex-daily wage w.e.f 20-06-1995 is legal and justified ? If not, to what relief the said workman is entitled and from what date ?"

The claimant has filed statement of claim. In his statement of claim, he has stated that he was appointed at Debal Branch of Punjab National Bank under its Bulandshahr Region w.e.f. 5-8-1986.

That no formal letter was given by the management to the workman at the time of taking him in the employment

of the bank from 5-8-1986 but he was required to perform the duties/functions of a full-fledged peon-cum-waterman from the very date of his appointment. He was assigned the job of going to the post offices for delivery registered dak, telegrams etc. He deposited the amounts of electricity bills, telephone bills of the branch whenever received.

That apart from requiring the workman to perform the duties of an office peon-cum-waterman, as mentioned above, the services of the workman were also being utilized by the branch to work in the staff canteen established by the bank for providing canteen service to the staff at their seats.

That the staff canteen which was situated in the premises of the branch was being managed by a Committee consisting of the Manager and Accountant and one more official of the Branch, which, apart from looking after the entire affairs of the staff canteen was also maintaining accounts of the staff canteen and was determining the costs of tea, coffee and other articles to be supplied by the staff canteen.

That the amount which was being paid to the workman by the Bank through the account of staff canteen committee was Rs. 300 per month to start with which was increased from time to time and was Rs. 600 per month at the time of termination of services of the workman in 1995 and as regards the performance of duties of a water server in the office, the workman was being paid Rs. 100 for this duty by way of monthly vouchers which are on the record of the Branch concerned.

That neither any written order/letter terminating the services of the workman, nor any prior notice therefore was given to the workman by management and his services were terminated just by way of oral orders of the Branch Manager, and even though the workman had been working continuously in the Branch, no re-employment compensation and notice pay was paid to him while terminating his services from 20-6-1995.

The management has filed written statement. In the written statement, it has been stated that the bank never appointed Shri Hari Shankar in its subordinate cadre as Peon and as such, there is no employer and employee relationship between the bank and Shri Hari Shankar.

That he was contracted by the branch to provide certain services which are totally unrelated to the main function of the bank such as purchase of electrical goods, candles, match box etc. for which he was compensated at agreed rates. As and when the job came to an end, his engagement also came to end automatically. As such the alleged termination/dis-engagement cannot be termed as termination in view of specific provisions of the Section 2 (oo) (bb) of the ID Act.

That some of the paragraphs of the statement of claim have been denied and some have been admitted and it has been stated emphatically that he was a canteen contractor and not an employee of the bank. He was made lumpsum payment according to his work.

Shri Hari Shankar was not an employee either temporary or otherwise of the bank and there was no appointment letter, service agreement etc. and as such there is no question of taking Shri Hari Shankar in the permanent service of the bank. Also reasons given by Shri Hari Shankar in the statement of claim are not applicable. The decision to discontinue the contract was not illegal. His claim of being treated as permanent employee is not maintainable.

That the workman has filed rejoinder. In the rejoinder, he has stated that he performed the duties of full time member of the subordinate staff at Debai Branch from 5-8-1986 to 20-06-1995 when his services were terminated by the Manager of the Branch. He was not a contractor and there was no agreement of contract for supplying, tea and snakes etc. He was a workman of the branch office and he prepared tea for them besides preparation of tea etc. He performed other duties of the peon and he worked regularly in the bank.

Heard arguments from both the sides of the parties and perused the papers on the record. It was argued from the side of the workman that the National Federation of Bank Employees Union, Ghaziabad has espoused his case. As such, according to the union, he was a workman. If he made unauthorized entries in the record, the action should be taken against those persons who are the custodians of the record but the management witness has admitted that no action by the bank has been taken against those employees of the bank. From the evidence of the management witness, it is clear that he has not made any unauthorized entry in the registers. He has filed few vouchers to which payments have been made and he has delivered dak registers.

It was argued from the side of the management that there are rules regarding the appointment of a peon in the bank and the Branch Manager has got no power to recruit any person as Peon. Annexure W/I shows that workman was paid but in all the vouchers, certain daks were given to the workman for delivery to the parties etc. Labour charges have been paid to Shri Hari Shankar on 09-01-1995. Water and electricity charges paid to Shri Hari Shankar. This indicates that Shri Hari Shankar received payments for a particular work he has done. The amount paid to Shri Hari Shankar for water charges for the month of June, 1995 is Rs. 60 only. These vouchers can also prove that Shri Hari Shankar was employed in the bank but he did some duties of the bank of particular period for which separate payment have been made but these payments are for 10 days work on different dates. It is the duty of the workman to show that he has worked for more than 240 days but no paper has been filed. Simply some vouchers have been filed but they are for labour charges or electricity and light charges and not regular payments, as such, the workman applicant has received no regular payment monthly. He has not filed any paper which may indicate that he was getting monthly payment. Only 2-3 vouchers for labour charges, electricity charges cannot establish the fact that he continuously worked for 240 days in one calendar year. Since he has

failed to establish this fact, he is not entitled to get any relief as prayed for.

The award is replied thus :

The action of the management of Punjab National Bank, Bulandsahar in terminating the services of Shri Hari Shankar, Ex-daily wager w.e.f. 20-06-1995 is legal and justified. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Dated : 27-05-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1534.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा० को० को० लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, II धनबाद के पंचाट (संदर्भ संख्या 25/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-06-2004 को प्राप्त हुआ था।

[सं. एल-20012/7/97-आई. आर. (सी. 1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/98) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL, and their workman, which was received by the Central Government on 3-06-2004.

[No. L-20012/7/97-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)
(d) of the I.D. Act, 1947

REFERENCE NO. 25 OF 1998

PARTIES:

Employers in relation to the management of
M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the employers : Mr. H. Nath, Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 17th May, 2004

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1)(d) of the I.D. Act. 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/7/97-IR (Coal-I), dated, the 20th/27th February, 1998.

SCHEDULE

“Whether the action of the management of Angarpathra Colliery under Katras Area of M/s. BCCL in dismissing the services of Shri Baiju Mohra, Ex. Miner Loader of Angarpathra Colliery is justified and legal ? If not, to what relief the concerned workman is entitled ?”

2. Case of the concerned workman according to Written statement submitted by the sponsoring Union on his behalf in brief is as follows :

The sponsoring Union submitted that the concerned workman was a permanent Miner/Loader at Angarpathra Colliery. The alleged that the management without any sufficient ground issued a chargesheet dt. 23-5-94 with the allegation of committing misconduct under clause 26 (1) for remaining himself for unauthorised absence with effect from 25-3-94. They submitted that the concerned workman had no intention at all to remain himself absent from duty. But the circumstances compelled him from time to time to be absent as there is none to look after in his family and also his brother would remain ill always and there is none to look after him. They submitted that inspite of accepting reply submitted by the concerned workman management decided to hold domestic enquiry against him. They alleged that on the basis of puerse enquiry report submitted by the enquiry Officer management dismissed the concerned workman from his service illegally, arbitrarily and violating the principles of natural justice. Accordingly they submitted representation to the management to reconsider the order for dismissal and to allow him to join his service but as the management did not do anything in view of their appeal they preferred an industrial dispute which ultimately resulted reference to this Tribunal for adjudication. The sponsoring Union accordingly submitted prayer to pass award directing the management to reinstate the concerned workman to his service setting aside the order of dismissal and alongwith other consequential relief.

3. Management on the contrary after filing Written statement-cum-rejoinder have denied all the claims and allegation which the sponsoring Union asserted in their W.S. submitted on behalf of the concerned workman. They submitted that the concerned workman was chargesheeted on 23-5-94 for absents from duty unauthorisedly without sanction of leave and permission from the management as his reply to the chargesheet was not found satisfactory the disciplinary authority decided to hold domestic enquiry against the concerned workman and accordingly appointed Mr. J.K. Sinha, Dy. P.M. as Enquiry Officer. They submitted that the concerned workman during hearing of the enquiry

proceeding fully participated and full opportunity was given to him to defend his case. After completion of the hearing of the Enquiry Proceeding the Enquiry Officer submitted his report holding the concerned workman guilty to the charges. Accordingly disciplinary authority after careful consideration of the enquiry report and also considering all other aspects including his past conduct dismissed the concerned workman from his service. They submitted that they did not commit any illegality or took any arbitrary decision in dismissing the concerned workman from service. Accordingly in view of the facts and circumstances they further submitted that prayer of the concerned workman for his reinstatement in service is liable to be rejected.

4. POINTS TO BE DECIDED

“Whether the action of the management of Angarpathra Colliery under Katras Area of M/s. BCCL in dismissing the services of Shri Baiju Mohra, Ex-Miner Loader of Angarpathra Colliery is justified and legal ? If not, to what relief the concerned workman is entitled ?”

5. FINDING WITH REASONS

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration whether domestic enquiry held against the concerned workman by the management through enquiry officer was fair, proper and in accordance with the principal of natural justice or not? The said issue in preliminary point was disposed vide Order No. 17 dt. 1-12-2003 and it was decided that the domestic enquiry held against the concerned workman was fair, proper and in accordance with the principles of natural justice. Here the point for consideration is whether management have been able to substantiate the charge which has been brought against the concerned workman. Considering the chargesheet which during evidence of MW-1 was marked as Ext. M-1 It transpires that against the concerned workman management have brought two fold allegations. Their first allegation is that the concerned workman started absents from duty with effect from 25-3-94 unauthorisedly and without taking permission from the management and the second allegation is that the past conduct of the concerned workman in this regard was bad. The concerned workman after receipt of the chargesheet submitted his reply which during evidence was marked as Ext. M-2. In the reply he disclosed that on the ground of the illness of his brother and wife he could not attend to his duty. He further disclosed that his absence from duty was not intentional and for which he submitted prayer to condone unintentional laches committed by him. As the reply given by the concerned workman was not satisfactory management decided to hold domestic enquiry against him. It transpires from the evidence of MW-1 that he was appointed as Enquiry Officer by the management to hold domestic enquiry against the concerned workman. This witness disclosed that he took up hearing of the enquiry proceeding in presence of the concerned workman and gave him full opportunity to defend his case. During hearing of the enquiry proceeding the concerned workman

took the same plea for remaining himself absent from duty with effect from 25-3-94. It transpires that inspite of giving full opportunity the concerned workman did not consider necessary to produce a single scrap of paper to show that his brother and thereafter his wife fell ill and for which he could not attend to his duty. No. satisfactory explanation is forthcoming on the part of the concerned workman to the effect what circumstances prevented him to intimate the management well ahead about the illness of his brother and wife which compelled him to remain himself absent. It is seen from the document Ext. M-7 that the concerned workman during past three years i.e. during 1991, 1992 and 1993 worked under the management for 12 days, 56 days and 29 days while during the year 1994 he worked only for 3 days. Therefore, it is seen that since 1991 the concerned workman grossly misused the privilege given to him. It is seen that he took it up as of his desire to attend his duty or not. It is unthinkable to note that during total period of 4 years the concerned workman attended to his duties in all for 100 days. The Ground assigned by the concerned workman for compelling himself absent from duty is far from satisfactory in absence of any medical paper. Accordingly there is no scope to hold that the enquiry officer committed any illegality in holding the concerned workman guilty to the charge in the enquiry report submitted by him. The disciplinary authority after consideration of enquiry report and all other aspect decided to dismiss the concerned workman from his service and accordingly he was dismissed from his service with immediate effect. Order of dismissal dt. 12-11-94 was marked as Ext. M-8 during evidence of MW-1.

I have carefully considered the charges brought against the concerned workman, his reply and also papers relating to enquiry papers and I am fully satisfied that the management have been able to establish the charge brought against the concerned workman.

6. Now the point for consideration is whether the concerned workman is entitled to get any relief under Section 11A of the I.D. Act, 1947. Section 11A of the I.D. Act speaks as follows :

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

Before application of Section 11A of the I.D. Act it is to be taken into consideration whether punishment imposed up on the concerned workman was justified or not. The

charge sheet was issued to the concerned workman not only for his remaining absent with effect from 25-3-94 but also in respect of past attendance. Management through evidence clearly pointed out that during last 3 years preceding to '94 the concerned workman in all attended to his duties for 96 days. Onus accordingly shifted on the concerned workman to establish the ground for his unauthorised absence for years together in such ugly manner. It is to be borne into mind that in every industry maintenance of discipline on the part of the workman is considered with all importance not only for proper production but also for maintenance of administration. The concerned workman was a permanent employee under the management. As such there is sufficient reason to believe that continuous absence for years together affected the production of the management not only but also indulged in indisciplinary act. No doubt the concerned workman begged apology his conduct. Learned Advocate for the management submitted that if on the basis of apology begged by the concerned workman the order of dismissal is recalled in that case in future not only the concerned workman but also other workman will follow the same course and in that case the management will face serious difficulty to maintain proper production and also to keep proper discipline in the industry. He submitted further that dismissal of the concerned workman was justified for the interest and growth of the industry as because other workmen will think twice before committing any such illegal acts. As none appeared on behalf of the concerned workman I did not get any chance to hear the reply against submission of the learned Advocate for the management.

7. However, after careful consideration of all the facts and circumstances I find sufficient reason to hold that the concerned workman considered to attend his duty as of his choice. He did not consider necessary to maintain discipline as a disciplined worker. It is seen that for years together the concerned workman was in the habit of enjoying unauthorised leave. It is further seen that the management gave sufficient scope to the concerned workman to attend his conduct but he did not consider necessary to do so and for which ultimately management issued the present chargesheet to the concerned workman. On careful consideration of all the facts and circumstances I hold that the management neither committed any illegality nor took any arbitrary decision in dismissing the concerned workman from his service. I have failed to find any cogent ground relying on which there is scope to say that the order of dismissal issued by the management was unjustified. Accordingly I find no scope to give any relief to the concerned workman under Section 11A of the I.D. Act, 1947. In the result, the following award is rendered :—

“The action of the management of Angarpathra Colliery under Katras Area of M/s. BCCL in dismissing the services of Shri Baiju Mohra, Ex. Miner Loader of Angarpathra Colliery is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1535.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भा० को० को लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 177/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-06-2004 को प्राप्त हुआ था।

[सं. एल-20012/312/92-आई. आर. (सी.1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 177/93) of the Central Government Industrial Tribunal/Labour Court, II Dhanbad, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 3-06-2004.

[No. L-20012/312/92-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

Reference No. 177 of 1993

PARTIES:

Employers in relation to the management of Rajapur Open Cast Project/South Jharia Colliery under Kustore Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : Shri S. Bose, Treasurer.

On behalf of the employers : None.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 17th May, 2004

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(312)/92.-I.R. (Coal-I), dated, the 9th November, 1993.

SCHEDULE

"Whether the action of the management of Rajapur Open Cast Project/South Jharia Colliery under Kustore Area of Bharat Coking Coal Ltd. was justified in not providing employment to the

dependent son of Smt. Bhathini Bhuini as per Voluntary Retirement Scheme (Female) ? If not, to what relief the workman is entitled ?"

2. The case of the concerned workman according to written statement submitted by the sponsoring Union on her behalf is as follows :—

The Sponsoring Union submitted that Smt. Bhathini Bhuini i.e. the concerned workman was a permanent wagon loader under the management. They disclosed that the management launched V.R. scheme in respect of his employees and in particular amongst the female workers with option to nominate a male dependant in her place. Being attracted with the said scheme said Bhathini Bhuini opted for Voluntary Retirement Scheme in the year 1986 along with medical fitness certificate dt. 25-6-86, when she was 56 years of age. Thereafter management prepared a list of 12 workmen including the concerned workman Smt. Bhathini Bhuini and issued Office Memo. dt. 25-6-86 asking them to send their dependents nominated under Voluntary Retirement Scheme for medical examination of fitness at Kustore Central Hospital which the workman concerned had complied with.

They alleged that thereafter out of 12 workmen as per memo dt. 25-6-86 dependents of other workmen were provided with the employment but the dependent of Smt. Bathini Bhuini was not intimated about his position of employment. As a result the matter was brought to the notice of the management but to no effect and thereby deprived the concerned workman from providing employment to her dependent arbitrarily, illegally and violating the principle of natural justice. Accordingly through the sponsoring Union she raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The sponsoring Union accordingly submitted prayer to pass award directing the management to provide employment to the dependent of Smt. Bhathini Bhuini, wagon loader with retrospective effect from 1986 along with other consequential relief.

3. Management in the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman. They admitted that they launched a V.R. Scheme with a view to improve the manpower structure against their actual requirement and for generating a productive labour force against female employees who are not being gainfully employed. They submitted that in the present case the concerned workman was gainfully employed till her attaining the age of superannuation. They further submitted that the concerned workman did not whole heartedly opted the said V.R. Scheme and for which she remained in service although till her retirement as on 1-7-96 and she availed full benefit of the retirement. They alleged that in spite of knowing this fact sponsoring Union on her behalf raised the present dispute only for wrongful gain and to harass them. They submitted that an agenda vide letter date 25-1-92 with various demand along with the

illegal demand of the employment of the dependent of the concerned workman by the representative of the R.C.M.S. was raised and dismissed and thereafter a decision was taken in presence of both sides, wherein the claim of the concerned workman was rejected and the said decision taken on 7-3-92 at Koyala Bhawan was duly accepted by the representatives of the R.C.M.S. They submitted that decision taken by the management as per the agenda refusing employment of the dependent of the concerned workman was valid, proper and binding upon both sides. They submitted that the concerned workman never requested the management to stop her from her duty against V.R. Scheme (Female) and to provide employment to her dependent son rather she regularly attendant to her duty fully during her service period and ultimately superannuated from service on attaining her age of sixty years. They further submitted that question of committing any illegality or taking any arbitrary decision violating the principle of natural justice did not at all arise and for which the instant claim is liable to be rejected.

4. POINTS TO BE DECIDED

"Whether the action of the management of Rajapur Open Cast Project/South Jharia Colliery under Kustore Area of Bharat Coking Coal Ltd was justified in not providing employment to the dependent son of Smt. Bhathini Bhuini as per Voluntary Retirement Scheme (Female)? If not, to what relief the workman is entitled?"

5. FINDING WITH REASONS

It transpires from the record that the sponsoring Union with a view to substantiate their claim have examined three witnesses while management also in support of their claim examined two witnesses.

Here the point for consideration is whether management illegally and arbitrarily refused to give employment to the dependent son of the concerned workman Smt. Bhathini Bhuini on the basis of V.R. Scheme launched by union. It is admitted fact that Smt. Bhathini Bhuini was a permanent wagon loader at South Jharia colliery. It is also admitted fact that management in the year 1985 introduced V.R. Scheme amongst female workers to improve the manpower structure against the actual requirement in B.C.C.L. and for generating productive labour force against such female employees who are not being gainfully employed subject to condition that the said female worker should be below 58 years of age.

MW-1 during his evidence relied on the circular (Ext. M-1) relating to the scheme in question. According to that circular age limit was fixed at 56 years though this witness admitted that by subsequent circular (Ext. M-2 and M-3) the age limit was extended upto 58 years. It is the contention of the sponsoring union that Smt. Bhathini Bhuini was below 56 years when the first circular (Ext. M-1) was issued by the management. They submitted that in response to that circular of V.R. said Bhathini Bhuini along with others submitted applications for her voluntary retirement with a view to get employment of her dependent son as per

conditions laid down in the said scheme. It is the contention of the sponsoring union that thereafter management prepared a list of 12 workmen including the concerned workman Smt. Bhathini Bhuini and issued an office order dated 25-6-86 asking the workman who had opted for voluntary retirement to send their dependents nominated under V.R. scheme for medical examination of fitness at their Kustore Central Hospital. This fact the management not only in their pleading but also in course of evidence have admitted. MW-2 during his evidence categorically admitted that as per instruction received from the headquarters medical test of the son of the concerned workman i.e. Smt. Bhathini Bhuini was conducted before providing employment to her son as per the said scheme. This witness is silent whether the son of the concerned workman attended medical test as per instruction received from the headquarter. The concerned workman in support of the fact disclosed in the pleading pointed out categorically during her evidence that her son attended medical test as per direction of the management but even after that medical test he was not provided with any employment. This fact the management neither denied in their pleading nor during evidence on their part. Therefore, there is sufficient reason to hold that the dependent son of the concerned workman attended medical test as per direction of the management.

It is not the case of the management that as the dependent son of the concerned workman was declared medically unfit the claim for his employment was turned down. It is the specific allegation of the sponsoring union that as per the said scheme when management have provided employment to the dependents other or other female workers they did not make any whisper about giving employment of the dependent son of the concerned workman. They further alleged that for the said reason the management did not consider necessary to give any explanation. It transpires clearly considering the written statement submitted by the management and also considering their evidence that they did not assign any reason why the dependent son of the concerned workman was not provided with employment even after his medical test particularly when he was not declared unfit.

The object of the said V.R. Scheme was to improve the man power structure against the actual retirement in BCCL for generating a productive labour force against such female employees who are not being gainfully employed. It is seen that management prepared a list of female workers including the concerned workman for acceptance of their V.R. in view of application submitted by them. Moreover, the management issued instruction to the concerned workman to produce his dependent son for his medical test. It is also clear that the said dependent son of the concerned workman attended his medical test. Therefore, it is clear that management decided to accept V.R. of the concerned workman as her service was not gainful to the interest of the management. In absence of any cogent document there is sufficient reason to hold that the concerned workman was not declared medically unfit while he appeared before the said medical test at Kustore Central Hospital.

Therefore, onus absolutely rest on the management to justify why employment of the dependent son of the concerned workman was not given. As per clause 1 (General Ext. M-1) it has been specifically mentioned that "To avoid any hardship and delay, as soon as an employee is found to be eligible to retire on the basis of the scrutiny carried out at the area/Headquarter level, the nominee of the applicant should be referred for medical examination. The medical report should be immediately forwarded to the G.M. (Personnel) by retaining a copy thereof in the office of the G.M. 1/4 HQ. Clause 2 further speaks that "From the date a nominee of the retiring employee gets employment the retiring employee shall automatically ceased to work."

Therefore, as per clause 1 there is no dispute to hold that as the concerned workman was found to be eligible to retire from her service on the basis of scrutiny carried out by the management her dependent son was asked for his medical examination.

It is seen that for reason best known to the management why they did not provide employment to the dependent son of the concerned workman after that medical test particularly when it is evident that he was not declared medically unfit during his medical test.

It is the contention of the management that question of giving employment to the dependent son of the concerned workman did not arise as she worked till her attaining age of 60 years. If provision of clause 2 is taken into consideration it will expose clearly that the service of the female employee will automatically cease the moment employment is given to the dependent of the employee. It is admitted fact that the concerned workman submitted her application for acceptance of the V.R. while she was below 56 years. It is also admitted by the management that vide office Memo. dt. 25-6-86 management asked the concerned workman to produce her son for medical test along with the dependents of listed 12 workmen. If the facts disclosed in clause 1 (General, Ext. M-2) is taken into consideration it will expose clearly that management launched that scheme for its implementation immediately and for which office memo dt. 25-6-86 was issued.

Considering facts disclosed in the pleadings of both sides and also considering all other materials on record there is sufficient reason to believe that when management issued letter of appointment to the dependents of other female workers opted for V.R. without assigning any reason did not issue any letter of appointment to the dependent son of the concerned workman in spite of getting four long years till the date of her superannuation from service in the year 1990. There is reason to believe considering all facts and circumstances that deliberately management withheld letter of appointment to the dependent son of the concerned workman with a view to force her to work till she attended her date of superannuation. It is admitted fact that for such arbitrary and deliberate acts of the management the case of the concerned workman was taken up by the sponsoring union and over that issue there was discussion in between the sponsoring Union and the management, the notes of discussion (Ext. M-5) it is mentioned "Her case rejected.

She retired on 1-7-90". Therefore, it is clear that management did not agree to provide employment to the son of the dependent as she retired from her service on 1-7-90 but no explanation is fourth-coming why her case was not considered within the period of four years before superannuation particularly when the case of other workmen were considered. From the circular marked as Ext. M-1 there is no whisper whether acceptance of V.R. was at the discretion of the management or not excepting the facts disclosed in the "Objective" of the scheme. On this point I have already discussed in details above. As such I consider it absolutely not tenable to accept the plea taken by the management that she was in service till date of her superannuation.

It should be borne into mind that a management is a Govt. of India Undertaking and not a private organisation. Therefore it is absolutely expected that management will consider the case of all workmen maintaining all impartiality. Every workman has right to know the reason why her prayer was ignored. It is seen that management did not consider necessary to show minimum courtesey to inform the concerned workman why her case was not considered by them. It is fact that employment of the dependent and retirement of the workman as per V.R. are co-related as per clause 2 of the scheme. If all aspects are taken into consideration there is sufficient scope to believe that for deliberate, whimsical and arbitrary acts of the management the concerned workman was deprived of getting relief which completely has violated the principle of natural justice. The management cannot avoid their responsibility to justify why the case of the concerned workman was not considered inspite of fulfilment of all conditions incidental to the employment of her son. As they have failed to justify the reason, I should say that management cannot evade their responsibility to provide employment to the dependent son of the concerned workman. It is seen that management for their arbitry and discriminative act had shown absolutely miscarriage of justice to the concerned workman and for which she is entitled to get relief.

In the result, the following Award is rendered :—

"The action of the management of Rajapur Open Cast Project/South Jharia Colliery under Kustore Area of B.C.C.L. was not justified in not providing employment to the dependen son of Smt. Bhathini Bhuini as per Voluntary Retirement Scheme (Female). Consequently, the dependent son of Smt. Bhathini is entitled to get employment under the management as per Voluntary Retirement Scheme (Female). Management is directed to provide employment to the dependent son of Bhathini Bhuini if he is not employed already by the management and if he is found medically fit."

The management is further directed to implement the Award within three months from the date of publication of the Award in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1536.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, धनबाद के पंचाट (संदर्भ संख्या 92/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-2004 को प्राप्त हुआ था।

[सं. एल०-20012/74/2000-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1536.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 92/2000) of the Central Government Industrial Tribunal II, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 3-6-2004.

[No. L-20012/74/2000-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section
10(1)(d)
of the I.D. Act, 1947.

REFERENCE NO. 92 OF 2000

PARTIES: : Employers in relation
to the Management of
TISCO. Ltd. and their
Workman.

APPEARANCES:

On behalf of the workman : Mr. N.G. Arun,
Autho. Representative.
R.C.M.S. Union.

On behalf of the employers : Mr. D.K. Verma,
Advocate

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 17th May, 2004.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/74/2000 dated, the 29th August, 2000.

SCHEDULE

"Whether the action of the management of TISCO. Ltd., in not providing employment to the dependent son of Sri Jethulal Jashwara is justified? If not, to what relief the said dependent is entitled?

2. The case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :—

The sponsoring Union submitted that the concerned workman initially got his employment under the management on 3-7-03 as Miner/Loader and in course of time he got his promotion as M.S. Crew at Jamadoba Colliery. They submitted that he superannuated from his service with effect from 28-6-99 after successful completion of 35 years 11 months service to the entire satisfaction of the management. They submitted that as per employment procedure maintained by the management one dependant of the employee, on his superannuation etc. after rendering minimum 30 years of service is given outright employment provided none of his dependent is employed earlier on the strength of his service. They submitted that none of the dependent of the concerned workman was offered outright employment on the strength of his service.

They submitted that management simply enrolled the name of Sri Bajrangi Jaiswara S/o the concerned workman in the employment dependent's register and on 9-8-91 though he was asked to furnish certain documents as per requirement and in response to call though the said documents were furnished and though he fulfilled all criteria required for employment they did not offer any employment to his said son. On the contrary they offered employment to a good number of dependent's sons having less service strength of their fathers than that of the concerned workman. They alleged that refusal to offer employment to the dependent son of the concerned workman is an infringement of the agreement of National Coal Wage. They submitted that as the management refused to provide employment to the dependent son of the concerned workman an Industrial Dispute was raised before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

They accordingly submitted prayer to pass an award directing the management to provide employment to the dependent son of the concerned workman.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that the concerned workman joined his service on 3-4-63 and superannuated from his service on 28-6-93. They in this connection disclosed that as per the procedure for employment of dependent, the concerned workman got his son Sri Bajrangi Jaiswara enrolled in the

employees dependent register on 21-5-90 for providing him employment on the basis of his service strength. The date of birth of the Sri 'Bajrangi' has been indicated as 4-2-95 and he was minor on the date of enrolment for his employment as such he could not be provided with employment at that time. He attained his majority i.e. 18 years of age on 4-2-93 by which time a large number of dependents of employees have been enrolled in the temporary post of the company and unless the temporary post is exhausted and they are adjusted against future vacancies, it is difficult to provide the son of the concerned workman employment in the service of the company.

They submitted that excepting in the case of some exceptional circumstances like meeting accidental death or becoming invalid in periodical medical examinations conducted by the medical Board according to Mines Rules 1955, requiring compassionate employment, no employment is given to the dependent of the employee at the present stage in view of non-availability of vacancies in the collieries.

Apart from the facts stated above they submitted further that due to installation of modern technology in the mining processes requirement of man power has been reduce considerably making several workers surplus and in order to adjust the man power, voluntary retirement schemes have been introduced. In the face of such compelling circumstances the demand for employment of the dependents is without merit and the same is liable to be rejected.

4. POINTS TO BE DECIDED

"Whether the action of the management of Tisco. Ltd, in not providing employment to the dependent son of Sri Jethulal Jashwara is justified? If not, to what relief the said dependent is entitled?"

5. FINDING WITH REASONS

It transpires from the record that the sponsoring Union with a view to establish their case examined one witness as WW-1 while management also in support of their claim examined one witness as MW-1.

Considering the facts disclosed in the pleadings of both sides and also considering evidence of WW1 and MW-1 there is no dispute to hold that Jethulal Jaiswara got his employment under the management as wagon loader on 3-7-63 and superannuated from his service on 28-6-99 as M.S. Crew after rendering service of more than 35 years. It is the contention of the sponsoring Union that one dependent of an employee under the management who superannuated retired from his service after rendering minimum 30 years of service is given outright employment provided none of his dependent is employed earlier on the strength of his service. Disclosing this fact they submitted that knowing fully well of the fact that none of the dependent of the said workman was offered with employment on the strength of his service previously the

management did not eager to give any employment to Sri Bajrang Jaiswara; his son. On the contrary management just registering his name in the employees dependent register finished their duties. The said workman in response to direction given by the management submitted all relevant papers in respect of the son on 9-8-91 but inspite of furnishing all requisites no employment was offered to him. The letter through which the workman was asked by the management to produce requisite particulars of his son during evidence of WW1 was marked as Ext. W-5. Considering this document it transpires that those particulars were called for by the management for consideration of future employment of the son of the said workman. From document marked as Ext. W-4 it transpires that the workman enrolled the name of his son Sri Bajrangi Jaiswara in the Employees Dependent Register as per policy of the management on 16-4-90 for consideration of his future employment. It transpires from the record that date of birth of the said son of the workman was recorded as 4-2-75. Therefore, it is clear that on the date of enrolment of his name in the Employees dependent register he was minor. From the document marked as Ext. W-6/1 it transpires that in the year 1990 he was offered employment as a temporary worker by the management but the said offer could not be acted upon as he was found minor at that time.

It is the specific contention of the sponsoring Union that as per policy of the management on dependent of an employee is entitled to get direct employment when a workman retires after rendering atleast 30 years of service. The sponsoring Union in course of hearing have failed to produce any such cogent paper in support of their claim.

On the contrary it is the contention of the management that employment is offered, to the registered dependent of an employee who ceases to be in employment after completing 30 years or more service, subject to availability of vacancy in the standard force and requirement of such employment to the registered dependents may be offered along with that in temporary post subject to priorities agreed with the Union. Such policy was adopted by the management after it was being agreed by the management. Therefore, according to this policy precondition for employment is to register the name of the dependent in the employees dependent register.

The second condition which has been imposed is in respect of clear vacancy so that offer for employment could be given. Howsoever, management submitted that employment to the dependent of a workman on compassionate ground is taken into consideration in case of his accidental death or is found to be invalid during periodical medical examination conducted by the medical Board.

It is seen that Jethulal Jaiswara enrolled the name of his son in the Employees dependent register on 16-7-90 while he was minor. He attended 18 years of age on 4-2-93.

As per Mines Act a person is not eligible to get employment until and unless he attains his age of 18 years. However, in case of offering apprenticeship training a person having 15 years of age is eligible to get so. MW-1 during his evidence disclosed that as it is not the policy of the management they do not offer apprenticeship training to any dependent son of a worker. During hearing the sponsoring Union have failed to establish the falsity of this claim by producing cogent papers, of this claim. Accordingly, it transpires that question of offering employment to the son of the workman only cropped up on and from 4-2-93, i.e. the date when he attained the age of 18 years

WW-2 during his evidence disclosed that in the year 1992 management offered employment to dependent sons who rendered employment less than the service period rendered by the concerned workman and in support of his claim he disclosed the names of some persons. MW-1 during his evidence disclosed that in some cases management provided employment to the workers dependents who completed less than 30 years of service because of the fact that at that relevant time vacancy was available. He also disclosed categorically that he had no knowledge to the effect that management provided employment deviating from their own employment procedure. Accordingly, onus shifted on the sponsoring Union to establish that management in cases deviated from their own employment policy in giving employment to the dependents of the workers. The sponsoring Union in spite of having opportunity have failed to establish any such claim.

Considering all facts and circumstances, it transpires that offering employment to dependents son whose names have been enrolled in the employees dependent register depends on availability of existing vacancy. MW-1 during his evidence disclosed that as the management is facing surplus staff there is no vacancy even in the temporary roll. He further disclosed that as and when permanent vacancy arises the same are filled up from the workers of temporary roll.

WW-1 during his evidence disclosed that in the year 1990 about 300 employees worked under the management at Jharia Division on temporary basis the number of which has become now 1090. This witness during his cross-examination admitted that management time to time introduce V.R.S. & E.R.S scheme amongst the employees. This very evidence of WW-1 definitely has exposed a grim picture about non-existence of permanent vacancies. Had that not been so there was no scope to increase the number of temporary workers in such huge number. There was also no scope to launch V.R.S. and E.R.S. scheme amongst the workers to bring down the strength of workers.

It is to be borne into mind that the management of TISCO Maintains their own employment policy for the benefit of their workers. Therefore, there is no scope to say

that the policy for employment to the dependent of the workers is a camouflage one. It is admitted fact that management not only maintains temporary rolls of the workers who had been recruited through employees dependents register but also time to time subject to availability of permanent vacancy they are regularised as per seniority. Question of giving employment definitely depends on the availability of vacancy. It is the specific claim of the management that they are facing surplus staff. Administration of WW-1 during his evidence in the matter of introduction of V.R.S. & E.R. S. definitely will support this claim. It is not the claim of the sponsoring Union that ignoring the employees dependents registers management started offering employment to the outsiders violating their own employment policy. It is their contention that due to surplus man power it has become difficult on their part to provide employment to the son of the concerned workman in the temporary roll even. Counteracting such claim the sponsoring inform have failed to produce any cogent paper. On the contrary WW-1 during his evidence disclosed that in the post of temporary workers the number has been to more than 1000 from 390 which was in the year 1990. No evidence is forthcoming to show that the management provided employment to other dependents superseding the claim of the concerned workman. Therefore, there is no scope to draw conclusion that management intentionally with any bad motive ignored his name for employment. Actually the surplus man power has compelled the management to restrict themselves in offering employment to the dependents whose names have been enrolled in the employees dependents register. Accordingly I find it difficult to arrive into any such conclusion that the management illegally, arbitrarily and violating the principle of natural justice ignored the claim of the concerned workman.

In the result, the following Award is rendered :—

“The action of the management of TISCO. Ltd, in not providing employment to the dependent son of Sri Jethulal Jashwara is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1537.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली-II के पंचाट (संदर्भ संख्या 85/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-04 को प्राप्त हुआ था।

[सं. एल०-12012/148/93-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1537.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 85/93) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-II as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 8-6-04.

[No. L-12012/148/93-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI**

PRESIDING OFFICER: R.N. RAI

I.D. NO. 85/93

IN THE MATTER OF:—

M. K. GUPTA

VERSUS

MANAGEMENT OF CENTRAL BANK OF INDIA

AWARD

The Ministry of Labour by its letter No. L-12012/148/93/IR (B-2) Central Government Dt. 24-11-1993 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the action of the management of Central Bank of India, dismissing the services of Shri M. K. Gupta, Asstt. Cashier w.e.f. 4-9-1990 is justified? If not to what relief the concerned workman is entitled?”

The claimant has filed statement of claim. In the statement of claim, it has been stated in the claim that he was illegally dismissed from service vide order dt. 4-9-1990, which is annexure W/1. He was initially appointed as a temporary Asstt. Cashier at Ghaziabad Branch of the Bank in the year 1968 and his services were regularised in the same post w.e.f. 18-7-1970. Though his services were governed by Sastry Award and the Desai Award and various bipartite settlements entered into between the managements of various Banks including Central Bank of India and their workmen through their trade unions from time to time.

That it has been further stated that in February, 1983, when the workman was working at Lajpatnagar, New Delhi branch of the Bank, he was placed under suspension by an order dated 11-2-1983 issued by the Chief Manager of the Bank at its New Delhi Regional Office, following an incident

of the missing of cash of Rs. 3.50 lakhs at the said Branch. Simultaneously, the Branch Manager, Accountant, Chief Cashier and Armed Guard of the said branch were also placed under suspension alongwith the workman in connection with the same incident which is annexure W/2.

That it has been further stated that the Bank lodged FIR in the same matter with the police on the day of the said incident on 11-2-1983 in which the workman and the Chief Cashier of the branch were named as suspects in the eyes of the management, which is annexure W/3.

That the workman and the concerned Chief Cashier both were arrested by the police but were subsequently released on bail.

That the workman after obtaining the bail explained the facts and requested for withdrawal of suspension which is annexure W/4 but his application was rejected and disciplinary authority issued a chargesheet dt. 8-8-1993 to the workman simultaneously instituting an enquiry against him which is annexure W/5.

It has been further stated that vide letter dt. 26-8-1983, the disciplinary authority informed the workman that in accordance with para 19.4 of the bipartite settlement and as mentioned in the workman's letter dt. 14-03-1983, the departmental enquiry against him in terms of the chargesheet dated 8-8-1983 was being kept in abeyance which is annexure W/6.

That, however, on 28-07-1984, the enquiry officer commenced the inquiry against the workman, which was concluded on 5-3-1985 and the parties were asked to submit their respective arguments in writing to the Enquiry Officer. Accordingly written arguments dated 13-3-1985 and 28-03-1985 were submitted to the Enquiry Officer on behalf of the management and the workman respectively. Accordingly, written arguments were submitted. It was only on 29-6-1990, i.e. after 5 years 3 months after the conclusion of the inquiry that the workman received a show cause memo dated 20-06-1990 from the new Disciplinary Authority, Mr. P. N. Arora, together with a report of the enquiry officer dated 29-4-1985, whereby the Disciplinary Authority had proposed the dismissal of the workman by way of punishment under clause 19.6 (a) of the Bipartite Settlement, which is annexure W/7.

That the management had kept the workman under suspension despite his repeated representations for lifting his unjustified prolonged suspension. The workman made representations on 17-7-1984 and 20-9-1984, Annexure W/8 and W/9 stating that his request for payment of full wages for the period of suspension could not be acceded to since he himself claimed the privilege under para 19.4 of the bipartite settlement.

That it has been further submitted that the criminal trial instituted against him consequent upon the FIR dated 11-2-1983 filed by the Bank resulted into his clear acquittal by the trial court vide its order dt. 29-6-1989 and on getting

an attested copy of this order, the workman submitted it to the bank with a letter dt. 4-12-1989 thereby requesting the management that in view of his acquittal by the Trial Court, he was entitled to be deemed on duty during the period of his suspension and to be paid his full pay and allowances for the period of his suspension from 11-2-1983 and the management should treat him accordingly which is annexure W/10 and W/11.

That the workman appeared before the Disciplinary Authority on 17-08-1990 for personal hearing against his orders of proposed punishment dated 20-06-1990 and made detailed written submissions as well as oral submissions before the Disciplinary Authority and he thereby challenged the validity of the findings of the enquiry officer and the validity of the orders of the proposed punishment of the disciplinary authority and pleaded to be reinstated with full pay and allowance which is annexure W/12.

That ignoring or rejecting all the pleas and pleadings of the workman, the disciplinary authority passed his final orders on 4-09-1990 confirming the proposed punishment of dismissal against him, which is annexure W/1. He filed an appeal but his appeal was also rejected. The copies of the appeal and minutes of hearing are attached as Annexure W/13 and W/14 respectively. The appellate authority took one year time in deciding the appeal which is annexure W/15.

It has been further stated that the workman served a notice of demand dated 26-5-1992 on the management through their Deputy General Manager Zonal Office, New Delhi, which is annexure W/16.

The action of the management in dismissing the workman from service by orders of the Disciplinary Authority dated 4-9-1990 is assailed to be illegal and unjustified on the following grounds.

(a) The action against the workman vide charge-sheet was invalid since after having taken steps to get the workman prosecuted in connection with the incident of 11-2-1983 by filing an FIR on the same day. In view of the prohibition imposed by clause 19.4 of the Bipartite Settlement dt. 19-10-1966, hence the enquiry held and orders passed against the workman as a consequence of such illegal initiation of disciplinary action and as such illegal order of inquiry issued on 8-8-1983 were invalid.

(b) The management had decided to wait for the outcome of the criminal trial launched against the workman at the instance of the management as was done by the management, it was incumbent upon the management/disciplinary authority to examine, consider and take into account the verdict of acquittal of the workman passed by the trial court while passing any orders in disposal of the inquiry held against the workman, but the Disciplinary Authority refused and failed to do so and arbitrarily dismissed the workman by completely ignoring the order of the trial court and also the provisions contained in para 505 of the Sastry Award.

(c) In view of the orders of the Trial Court acquitting the workman and the provisions of the Sastry Award and the Bipartite Settlement dt. 19-10-1966, the management had no powers to dismiss the workman by way of punishment under clause 19.6 (a) of the Bipartite settlement as was done by the Disciplinary Authority.

(d) That the prosecution had failed to prove the entrustment of the missing cash to the workman on 11-2-1983, after a full trial and after considering the same documentary and oral evidence which was produced by the management in the inquiry held against the workman.

(e) That in awarding the punishment of dismissal to the workman, the disciplinary authority failed to consider the past unblemished service record of the workman and the extenuating factors and circumstances of the case, which the Disciplinary authority was required to do in terms of clause 19.12 (c) of the Bipartite settlement.

The management has filed written statement. In the written statement, it is stated that on 11th February, 1983, cash of Rs. 3.5 lacs from Lajpat Nagar Branch to Nehru place Branch was to be sent and Shri M. K Gupta was instructed to effect the cash remittance of the said amount from B/o Lajpat Nagar to B/o Nehru Place. He got the relevant vouchers and manifold relating to the remittance signed/authorized by the Accountant/Branch Manager and took a delivery of the cash of Rs. 3.5 lacs, for the said purpose from the Chief, Cashier. According to the procedure laid down for carrying cash from one branch to other, he was required to put the cash in the proper steel box but instead of adhering to the laid down instructions, he unauthorisedly placed the cash in a briefcase which was obtained by him from the accountant, Shir V. N Wadhawan. Shri M. K Gupta thereafter reported that the said brief case containing cash of Rs. 3.5 lacs was missing which was left by him in the Chief Cashier's cabin. By the acts of Shri M. K Gupta bank was put to loss of Rs. 3.5 lacs. He was charge sheeted vide charge sheet No. PRS; DAD 83:1000 dt. 8-08-1993. Thereafter he was suspended from bank's service under the provision of the Bipartite Settlement and was paid subsistence allowance during the period of suspension.

It has been stated that in this incident of shortage of cash of Rs. 3.5 lacs, Shri B.R Midha, Branch Manager, Shri V.N. Wadhawan, Accountant, Shri B.P. Jain, Chief Cashier and Shri K.P Shukla, Armed Guard were also placed under suspension by the bank.

It is stated that all these employees were charge sheeted for acts of misconduct and whereas Shri B.R. Midha, Branch Manager was awarded punishment, V.N. Wadhawan, Accountant and Shri B.P Jain were also awarded punishments and Shri K.P. Shukla, Armed Guard was exonerated from the charges levelled against him.

The workman has filed rejoinder. In his rejoinder, he has submitted that all the so-called preliminary objections raised by the management in its written statement are not

only misconceived and untenable, but also totally frivolous and have been raised only for the sake of objections.

Heard arguments from both the sides and perused the papers on the record.

It was argued from the side of the workman that the show-cause notice was given to the workman and he replied to that but his reply was not considered. It was unsatisfactory so the enquiry proceedings were initiated.

My attention was drawn to Delhi- 1985-I-185, it has been held that the reasons should be recorded on the reply of the show-cause notice. It was submitted from the side of the management that reasons have been assigned and reply was found unsatisfactory. As such, enquiry was held against him. As such, the ample opportunity was given before initiation of the enquiry proceedings. My attention was drawn to 1978-Lab.I. Cases 1530, it has been held that it is not permissible under law that enquiry officer should be appointed and charges should be framed simultaneously. This citation of the Hon'ble Court is not applicable as show-cause notice was given to the workman and thereafter enquiry officer was appointed and charges were framed against him.

My attention was drawn to 1972-Lab.I. Cases- 1613 at page 1616, it has been held that a notice is vague on other grounds as well. In what way was the explanation of the appellant unsatisfactory? In this case, Rs. 3.50 lacs were missing and the workman has given the explanation which was rejected as being not found satisfactory by the D.A. It was submitted from the side of the workman counsel that paragraph 505 of the Sastry Award lays down:—

“We have occasionally come across instance where a bank management has persisted in its application under S. 33 inspite of an acquittal by an ordinary court of the land after a full trial. The decisions of our courts are entitled to the highest respect and the management should reinstate an employee who is honourably acquitted and pay him his full salary and allowance. The acquittal should not be lightly challenged by departmental enquires for disciplinary action unless the bank management feels that there has been such a gross violation of the departmental rules as to necessitate a further enquiry in the interests of the institution on matters other than those in respect of which he has been already acquitted.”

In this context, it was argued that since the workman has been acquitted by the trial court, he should be reinstated with full salary and allowance. He has been acquitted on the technical ground that he has not put signatures after receiving the cash in the register. it may be that he took the money and placed in the brief case and then he went to the toilet. In the mean time, the brief case was lost so his acquittal is on technical grounds and on the grounds of benefit of doubt.

My attention was drawn to 1975 Lab. I cases. It has been held in the aforesaid cases of the Hon'ble Court that if the findings of the trial court are on the same facts then the management is stopped from further proceedings. He again pronounced a contrary view as an appellate authority. However, acquittal is by giving benefit of doubt then department is free to take disciplinary action.

In 1989 ILLJ 608 annexure A/7, it has been held that the disciplinary authority should consider the matter of acquittal and given its due weight and it is not open to the management to ignore the criminal court's judgement.

In 1992-I Labour law notes, it has been held that acquittal in the criminal charge may not be a ground to say that there cannot be a departmental proceeding. It will be of significance and importance in the departmental proceeding and go a long way to show the innocence of the delinquent officer.

From the perusal of the above citations from the side of the workman, it becomes apparent that in case the acquittal is not clear cut and the acquittal is on technical grounds or the accused has been given benefits of doubts, the department could proceed against the workman. The above citations of the Hon'ble High Court and Supreme Court are not applicable in the facts and circumstances of the case. It has been submitted by the management that the workman has been acquitted on the ground of benefits of doubts and on technical grounds so after the decision of the trial court, a notice was issued to him for personal hearing regarding proposed punishment and after hearing him, the punishment of dismissal without notice was passed.

In the departmental enquiry, the witnesses have been examined and Chief Cashier has said that the cash was kept in the brief case and the workman took that brief case and went away. After some time, he came and knock the Chief Cashier's door and said that the brief case was missing. He did not leave the brief case in the Chief Cashier's cabin when he allegedly went to toilet. I have perused the statement of the witnesses and by evidence of the witnesses, it is not proved satisfactory that the workman embezzled the amount but his gross negligence and misconduct is proved as he was entrusted with the work of remittance of the cash and he should be precautions regarding the cash. He should not take it lightly. Whenever, the Chief Cashier's cabin is opened and somebody goes out, it is closed again. The workman in his affidavit has written that the cash was placed in a brief-case and he went to toilet. The workman ought to have entrusted the brief case to the Chief Cashier but it has nowhere been stated that when he went to the toilet, he entrusted the brief case containing the cash with the Chief Cashier. He has only said in the affidavit that money was placed in the brief case and he went away to the toilet so he has not given a satisfactory reply that why he did not entrust the brief case to the Chief Cashier and why he left the brief case containing money and went away. As such,

the money was placed in the brief case, it was the bounded duty of the workman applicant to take precaution of the brief case and to place it in safe custody. It indicate the negligence on the part of the workman. Embezzlement of the money has not been proved. Still in case, there is no embezzlement, there is gross misconduct of the workman in handling the brief case containing the money. The steel box was not available so he should not place the money in brief case on advice of anybody. The enquiry was with held because of the trial and the own request of the workman.

In the enquiry, the workman has been afforded full opportunity and the principle of natural justice have been followed and the workman was found guilty of gross negligence and misconduct and so the punishment was dismissal with notice was given to him.

An FIR was lodged against the workman and embezzlement is not proved even in the enquiry. No independent witnesses have come but according to the own version of the workman, the money was placed in the brief case and he had to take the brief case to Nehru Place Branch but leaving the brief case in the Chief Cashier's cabin unattended, he went to the toilet. This conduct of the workman is suspicious and it amounts to gross and grave misconduct in handling the cash of a very huge amount, So far as punishment is concerned, it amounts to victimization of the workman applicant as he has been dismissed for gross misconduct.

In the circumstances of this case, his increment should be held with cumulative effect and he should be reinstated after sometime without back wages. As such the punishment inflicted is not consumerate in view of the misconduct of the workman.

In the police investigation, only the workman was found guilty and chargesheet was submitted against him. Final report was given against the Chief Cashier so in police investigation also, the workman applicant was found guilty of the offence under Section 409 IPC. This is also a circumstance which indicates that the workman applicant committed grave irregularity in discharging of his duties. No chargesheet by police was given against the Chief Cashier.

I am of the view that his two increments should be withheld with cumulative effect and he should be reinstated with 50% back wages from 1-1-2000.

The reference is replied thus:—

The action of the management of Central Bank of India, in dismissing the services of Shri M. K. Gupta, Asstt. Cashier w.e.f. 4-9-1990 is not completely justified. The workman deserves reinstatement from 1-1-2000 with the stoppage of two increments with cumulative effect. The workman applicant will be entitled to get 50 % back wages after 1-1-2000 with the stoppage of his two increments with cumulative effect.

The award is given accordingly.

Dated: 27-5-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1538.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली-II के पंचाट (संदर्भ संख्या 83/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल०-12012/403/91-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1538.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 83/93) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi-II as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12012/403/91-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE
NEW DELHI

PRESIDING OFFICER: R. N. RAI I.D. No. 83/93

IN THE MATTER OF:—

SOHAN LAL

VERSUS

MANAGEMENT OF CANARA BANK

Complaint under section
33A of the ID Act 1947
regarding change of status
of service.

AWARD

The Ministry of Labour by its letter No. L-12012/403/91-IR(B-II) Central Government Dt. 19-9-94 has referred the following point for adjudication.

The point runs as hereunder:—

"Whether the action of the management of Canara Bank in stopping one annual increment with cumulative effect of Shri Sohan Lal is justified? If not to what relief the workman is entitled to?"

The reference was given in I.D. No. 41/92 and that was decided in 1994 and withholding of one increment with cumulative effect was converted into withholding three increments for first three years without any cumulative effect. This reference was decided in 1994. In the meantime, status of the service of the complainant was changed.

The complainant has filed a complaint under 33 A of the ID Act regarding change of Status of service during the pendency of I.D. No. 41/92. It has been stated in the application under 33-A of the ID Act 1947 that the complainant workman before he transferred to the present management has been in the employment of M/s. Laxmi Commercial Bank as driver. Consequent upon the amalgamation of the previous Bank with the Canara Bank sometimes in 1985, the complainant performed the job of driver under the present management since 1985. Since certain charges were levelled against him and the enquiry was held in which he was punished with stoppage of one increment with cumulative effect. As such, the management was not in good terms with him and the management denied his designation from driver to driver-cum-peon. Since the complainant was discharged the duties of the driver, his status of service should not be changed from driver to driver-cum-peon and the work of unskilled peon should not be taken from a skilled driver.

The management has filed written statement. In the written statement, it has been stated that the initial appointment in 1986 of the complainant was of peon. Subsequently, he learned driving and he performed the duties of a driver. As such, he was originally appointed as peon, thereafter re-designated as driver-cum-peon at his own request. It has been further stated that the driver in the Bank industry is not at par with the grades of clerical staff as alleged. He is performing the duties of the driver. Peons and drivers are all part of the sub-staff. It is wrong and denied that the wages were denied to the workman and the designation of the workman has been changed as alleged. The position was made clear to the claimant by the Bank, before his letter of 24-6-1993.

The claimant has filed rejoinder. In his rejoinder he has stated that he was a skilled driver and he used to carry cash from one place to another and he has been given the designation of driver as is evident from Exhibit Nos. WW 1/4, 1/5, 1/6, 1/7, 1/8 and WW 1/9 and there are so many other papers just as 1/10, 1/11, 1/12 and 1/13 in which he has been designated as driver. Thereafter he has been designated as driver-cum-peon. The workman cannot be both skilled workman and an unskilled workman.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the workman that once the workman has been given the status of a skilled workman, it cannot be reverted subsequently to the status of unskilled workman as there is difference in wages. A person who is getting higher

salary, he should not be reverted to the post where he gets less salary. As is apparent from the papers. WW/1 to WW/12 that the workman has been designated as driver. It indicates that he must be getting the emoluments of skilled workman. Subsequently, his status in service was changed during the pendency of the ID Act cases from driver to driver-cum-peon. This change is unwarranted. Once the person has been given the status of a skilled workman, his status cannot be subsequently changed to an unskilled workman. He is not getting the allowances of a driver so he has filed complaint under 33-A of the ID Act for change in the status of the service of driver. In the circumstances, his status cannot be changed. As such, the management is to be directed to provide him the work and assignment of driver and provide the grade as applicable to the driver to the Banking Industry with arrears and also the wages of the workman deducted by the management. The change of status from driver to peon is illegal and unjustified.

The management is directed to provide the workman/applicant the status of driver and pay him all the arrears from the date of his reversion from the post of driver to the post of peon upto date. The management is further directed to reimburse the illegal deduction which has occurred due to change in the status of service within three months from the date of order. The management is further directed to give him emoluments of driver and post him as driver.

The award is given accordingly.

Dated : 7-6-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1539.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट (संदर्भ संख्या 62/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल०-12012/73/96-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1539.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/97) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12012/73/96-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER:
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE
NEW DELHI

LD No. 62/97

PRESIDING OFFICER: R.N. RAL

IN THE MATTER OF:—

CHITARANGAD RAO

VERSUS

MANAGEMENT OF BANK OF INDIA

AWARD

The Ministry of Labour by its letter No. L-12012/73/96-IR(B-2) Central Government Dt. 3-5-1997 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the management of Bank of India in dismissing the services of Shri Chitarangad Rao is legal and justified? If not to what relief the said workman is entitled and from what date?”

The claimant has filed statement of claim. In the statement of claim, it has been stated that he was appointed as an Agricultural Assistant in Clerical Cadre in the Bank of India in the year 1985. His conditions of service including in the matter of disciplinary action and procedure therefor, were governed by the provisions of the Sastry Award as modified in the Desai Award and as further modified in the subsequent Bipartite Settlement, entered into between the managements of banks including the Bank of India and their workmen from time to time. He was posted at Harsaon Branch in Ghaziabad Region of the Bank, where he was served a chargesheet dt. 9-7-1993 accompanied by an order of the same issued by the Regional Manager/Disciplinary Authority, Ghaziabad, instituting a departmental enquiry and appointing the enquiry officer for holding an enquiry against the workman, without providing any list of documents/witnesses in support of the charges framed and without being given any opportunity of submitting an explanation to the charges by the Disciplinary Authority.

That the Enquiry officer, Mr. Mam Chand appointed by the disciplinary authority, conducted the enquiry against the workman and after concluding the enquiry, submitted his report/Findings dated 8-12-1993, holding that the charges framed against the workman were without substance and that the management had failed to prove the charges against the workman.

That on 2-3-1994, the de novo enquiry was ordered by the Disciplinary Authority and it was commenced by the New Enquiry Officer Mr. Bajpai and after the completion of the enquiry, he found the charges proved and the services of the workman were terminated whereas

there is no law for de novo enquiry. Disciplinary Authority may take action on its view and Disciplinary Authority is not bound by the findings of the enquiry officer. The enquiry has been challenged on various grounds. Those grounds will be referred to hereafter.

The management has filed written statement. In the written statement, the management has denied some of the paras of the written statement and admitted some of the paragraphs. The enquiry officer procured further documents and witnesses and he came to the conclusion that the charges levelled against the workman were proved by the evidence of the witnesses. Hence the enquiry is proper and justified. Principles of natural justice have been followed in this case. The Enquiry officer was not biased. All the papers were shown and given to the workman applicant and he was given opportunity to defend himself.

The workman has filed rejoinder. In his rejoinder, he has stated that no de novo enquiry can be instituted against him according to the provisions of bipartite settlement. There could only be one enquiry and the Disciplinary Authority may take a different view. It is denied in the rejoinder that the action of management in dismissing the workman vide order dated 26-12-1994 which was modified in Branch Manager's letter dt. 30-12-1994 and the order of Appellate Authority dated 24-6-1995 were valid and legal. It is further denied that the de novo enquiry which itself was impermissible was held in accordance with the principles of natural justice or that the workman was punished for proved misconduct after giving him reasonable opportunity, as fondly but falsely claimed by the management.

In the entire facts and circumstances of the case, the management's request for permission to lead evidence on merits deserves to be rejected in view of the fact that the first enquiry officer appointed by the Disciplinary Authority had already found that the charges against the workman were untenable and had not been proved, after holding a full fledged enquiry.

Heard arguments from both the sides and perused the papers on the record. It was argued from the side of the workman that the de novo enquiry was conducted in gross violation of the principles of natural justice and with prejudiced mind. The enquiry officer of the de novo enquiry allowed the presenting officer the management to produce new documents and witnesses in support of the charges. This clearly shows the prejudiced mind and the ulterior motive for which the de novo enquiry was ordered. It will be seen from the enquiry proceedings of the de novo enquiry that the enquiry was not held in consonance with the principles of natural justice and fair play. The de-novo enquiry was ordered only to fill up the gap/lacunae in the case and to improve the case of the management. Prejudice has been caused to the workman by the arbitrary, unreasonable, unwarranted and unjustified conduct from the enquiry committee.

That in the de novo enquiry, the workman was exonerated of the first charge but second charge held to be proved though there was no evidence to that effect. There was no evidence that the amount deposited by the workman were the same currency notes issued to Shri Ram Kishan, borrower.

It was submitted from the side of the management that there is no hard and fast rule that the Disciplinary Authority cannot order a de novo enquiry. All the procedures have been followed in the de novo enquiry and the principles of natural justice have also been followed. In this context, from the side of the workman, my attention was drawn to SC-1971-Lab I.C.945. It has been held by the Hon'ble APEX Court that the Disciplinary Authority may ask the Enquiry Officer to record further evidence in case all the witnesses have not been examined and all the documents have not been filed but there is no provision in rule 15 for completely setting aside the previous enquiries on the ground that the report of the Enquiry Officer or Officers does not appeal to the Disciplinary Authority. The Disciplinary Authority has enough powers to reconsider the evidence itself and come to its own conclusion under Rule 9. The Rule does not contemplate of a second enquiry.

From the side of the workman, my attention was drawn to Bombay 1989-I, Current Labour Reports-395. It has been held that by ordering a fresh enquiry, very valuable rights of the delinquent were taken away by the Disciplinary Authority and, therefore, such fresh enquiry cannot be treated as valid.

My attention was drawn to Kerala-1992-Lab. I. Cases-2527. It was held by the Hon'ble High Court that a de novo enquiry cannot be ordered, erasing the earlier enquiry and the findings reached therein.

My attention was drawn to 1994 LAB IC NOC 124-AII. It has been held in this case that for filling up lacuna in the first enquiry conducted by the Enquiry Officer such second enquiry is not permissible under regulations and is illegal.

In Gauhati-1997-Lab. IC 932, it has been held that para 10 Rule 15 really provides for one enquiry and if the Disciplinary Authority is not satisfied, he may ask for further enquiry or take its own view of the matter but second enquiry cannot be instituted.

From the side of the management, my attention was drawn to 1998 SCC (L&S) 875, it has been held that Disciplinary Authority may differ from the findings of the enquiry report and he has to record reasons for disagreement with the enquiry report and it is quite clear that Disciplinary Authority can disagree with the enquiry report but it cannot order a fresh enquiry. This citation is not applicable in this case.

In 1999 Supreme Court Cases (L&S) 384, that it was opened to Disciplinary Authority to order de novo

enquiry when it found that Enquiry Officer had not followed correct procedure in taking evidence of witnesses. This law relates to Central Reserve Police Force Rules, 1955, R. 27 (C) (6). As such this law and the findings of the Hon'ble Supreme Court are not applicable in the present case of the ID Act where there is provision for only one enquiry.

My attention was drawn to 1999 Supreme Court Cases (L&S) 389. This relates to U.P. State Co-operative Land Development Bank Ltd., and article 226, 12, 367 (I) and 372 so this case is not applicable in the facts and circumstances of this case. AIR 1999 SC 2407 is regarding evidence in the enquiry. This law is also not applicable in the facts and circumstances of this case.

As such, from perusal of the law cited by both the parties and from perusal of para 10 Rule 15 of the Bipartite Settlement, it becomes quite explicit that a de novo enquiry cannot be set up by the Disciplinary Authority. In the present case, Shri Mam Chand has enquired into the matter and Enquiry Officer has reported that the charges levelled against the workman are not proved. He has followed the full procedure and has given his findings. The Disciplinary Authority might have disagreed with this view taking its own view but the Disciplinary Authority has no right to institute de novo enquiry. As such the setting up of de novo enquiry or fresh enquiry is against the principles of natural justice and the provisions contained in para 10 Rule 15 of the Bipartite Settlement, so the second enquiry is absolutely illegal and unjustified and in the first enquiry, the workman was exonerated of the charges levelled against him.

The bare look at the charges indicate that the workman was a conspirator. He caused the loan of Rs. 9000 to a man and a buffalo was purchased by that man and he claimed Rs. 9000 from the LIC Department as the buffalo died and Rs. 9000 was deposited in the account of the workman applicant. The workman is not directly concerned with all these things. He has been simply conspirator on the ground of doubt so charges levelled against him are vague and false. As such, the charges are vague and second enquiry cannot be instituted. He was exonerated from the first enquiry so the workman deserves to be reinstated w.e.f. the date on which his services were dismissed.

The reference is replied thus :—

The action of the management of Bank of India in dismissing the services of Shri Chitarangad Rao is neither legal nor justified. The workman is entitled to be reinstated w.e.f. the date of his suspension with full back wages.

The award is given accordingly.

Dated : 8-6-2004.

R. N. RAI, Presiding Officer

नई दिल्ली, 9 जून, 2004

क्रा.आ. 1540—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आंध्रा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 264/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एन.-12025/12/2004-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1540.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 264/2001) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12025/12/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

PRESENT:

Shri E. Ismail, B.Sc. LL. B.,
Presiding Officer

Dated the 31st day of March, 2004

INDUSTRIAL DISPUTE L.C. I.D. NO. 264/2001
(Old I.D. No. 78/2000 Transferred from Labour
Court-I, Hyderabad)

BETWEEN:

Sri R. Devadas,
S/o R. Serbalingam,
H.No. 3-2-84, Nimbolidadda,
Kachiguda, Hyderabad.

AND

The Personnel Manager,
Andhra Bank,
Head Office, 5-9-11,
Saifabad, Hyderabad.

APPEARANCES:

For the Petitioner : M/s G. Ravi Mohan, R. Devender
Reddy, G. Srinivas Reddy &
G. Naresh Kumar, Advocates.

For the Respondent : M/s. S. Udayachala Rao, S.
Lavanya Lakshmi, S.
Vikramaditya babu & S. Mujib
Kumar, Advocates.

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 by the Labour Court-I, Hyderabad in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 78/2000 and renumbered in this Court as L.C.I.D. No. 264/2001.

2. The brief facts as stated in the petition are: That the Petitioner was selected to the job in the Respondent bank as sub-staff on permanent basis from 1-3-74. Thereafter, Petitioner continued to work in the same position till 1981. In the year 1981 he was promoted to clerical cadre and ever since he continuously attended to his duties till 14-11-92

3. The Petitioner's mother fell sick at Nalgonda District his native place, in the month of December, 1992. Therefore, the Petitioner was forced to leave to his native Place Kandaluru in Nalgonda District for attending his mother. The Petitioner's mother was attacked with a stroke due to the same his mother got right side hand and leg paralysis. He gave a leave letter dated 16-11-92. The same was received by Respondent. The Petitioner subsequently gave a leave letter on 16-12-92. He was looking after his mother. Finally when Petitioner returned to duty he was informed that he was terminated from service by an order dated 10-9-1993. It is illegal and arbitrary. Hence, he may be reinstated into service with all back wages.

4. A counter was filed stating that the Petitioner was absent for more than 90 days from 15-11-92 without any leave. A notice was sent on 30-7-93 in terms of clause 17 of Bipartite Settlement within 30 days. Although he received the said notice neither returned to duty nor submitted any explanation explaining the unauthorized absence within the time stipulated. Hence, the Respondent bank is left with no option having voluntarily retired from bank's service. That as per clause 17 of the Bipartite settlement no enquiry was necessary and therefore, the impugned proceedings are not illegal or unjustified. Hence, the Petitioner is not entitled for any relief.

5. The Petitioner examined himself as WW1 and deposed that he absented from duty from 15-11-92 as one of his lung was operated and removed. That he gave all the necessary certificates to the bank. The operation was performed in 1976. As he was sick, his mother was laid up with paralysis he could not attend to his duties. That certificate of posting is Ex. W1 which was sent to the Manager, Narayanaguda branch where he was working. Again he posted a letter Ex. W2. Again he posted a letter which is Ex. W3. Again he posted another letter Ex. W4. Another letter is Ex. W5.

6. In the cross examination he deposed that he was at Kandaluru of Nalgonda District attending to his mother for about 10 months. He deposed that no letters were issued stating that the proceedings were dropped or that he was exonerated. That he has no acknowledgement to show he gave all certificates pertaining to his sickness in 1976 itself. He has not filed any certificate to show that his mother was laid up with paralysis during the relevant time. He has not filed any documents about his sickness in the Court that his permanent house address is, H. No. 3-2-84, Nimboliadda, Kachiguda, Hyderabad. He did not know that he was removed. The General Manager signed the termination order. That himself, his wife and elder brother and his mother are elder members of his family who stay in the house bearing No. 3-2-84, Nimboliadda, Kachiguda, Hyderabad. He further deposed that he has filed Writ Petition in the Hon'ble High Court of A.P. before filing this ID. Writ Petition was filed in 1998 and it was withdrawn. He does not know whether the said Writ Petition was withdrawn with liberty to file fresh Writ Petition. No further Writ Petition was filed and he approached this Court. He was operated in 1976. There were two disciplinary proceedings against him between 1976 to 1992 for unauthorized absence. It is not true that he received the termination order on 3-8-93. He denied that he voluntarily absented from 22-4-91 to 29-2-92. He does not know whether the total period of his unauthorized absence is about 580 days. He is not aware that the total unauthorized absence of an employee during entire period of service shall not be more than 365 days. He does not know whether he was chargesheeted thrice for his unauthorized absence. Ravalkot Damodar is his elder brother. He does not know whether he borrowed money from Bank of Maharashtra. It is not true to suggest that he guaranteed for the said loan amount. It is correct he has filed Writ Petition No. 11591/98 which is Ex.M1 xerox copy of the affidavit of the Petition. He does not know whether any wrong information was given in Ex. M1. That he has not step-mother and his mother has got second heart attack two days back. He has not averred in the affidavit Ex. M1 that is he was prevented by necessity and for fundamental duty towards his mother's attendance during her indisposition. Thereafter after her demise he returned to Hyderabad and joined duty. He has no proof that he was at Kandaluru, Nalgonda District for a few months. That he has not mentioned in the Hon'ble High Court of A.P. affidavit that he has sent leave applications under certificate of posting. It is true that he worked under Sri M. Rama Linga Swamy, Manager. It is true that one Mr. T. Ravindra Nath, was his defence representation in the enquiry conducted against him by the Management. He did not face any criminal trial at any time in Warangal District or any other District. The bank's information that he faced a criminal trial and was convicted and imprisoned is not correct.

7. Sri B. Prasada Rao, Law Officer in Andhra Bank at Personnel Department, Head Office, Hyderabad deposed

as MW1. That the Petitioner joined as sub-ordinate staff in the year 1974. He was promoted to the clerical cadre in 1981. He was absent for 108 days from 5-4-89 to 19-8-89. He was warned of misconduct on 7-3-1990. Again he was absent from 22-4-91 till 29-2-92 which was closed with minor penalty. He was again chargesheeted for his unauthorized absence from 23-7-92 till 18-5-92. The same was closed with minor penalty. Again he absented himself from 15-11-92. Hence, he was treated as having voluntarily retired from service from 30-8-93. Various documents were marked from Ex. M2 to Ex. M9. In the cross examination he deposed that he does not know the Petitioner personally. As he did not report, a final order dated 10-9-93 was passed.

8. Sri G. Ramalinga Swamy, Retired Bank Officer, deposed as MW2 stating that the Petitioner was habitual absentee and he has addressed various letters reporting his absence and that finally he addressed a letter dated 8-7-93 to the Head Office reporting that the Petitioner was not attending from 16-11-92 and he did not submit any leave applications and also that he did not have any leave to his credit. He was reporting his unauthorized absence to the zonal office of since 15-11-92. The said letter dated 8-7-93 is Ex. M20. In the cross examination he deposed that he knows the Petitioner from August, 1991. He denied that the leave letters were received.

9. It is argued by the Learned Counsel for the Petitioner that the Petitioner has been working since 1-3-74. He was promoted in the year 1981 as clerk. No enquiry was conducted and he has been issued with a termination order. Such a major punishment was uncalled for when it is admitted that his lung was removed and further his mother was affected with paralysis. Therefore, he may be reinstated with back wages. He further relied on his Judgement of the Hon'ble Supreme Court reported in 1993(67) FLR page 111 wherein their Lordships were dealing with a case of D.K. Yadav and M/s. J.M.A. Industries Ltd., where it was held that, "standing orders provides for automatic loss of lien—Service terminated—without any enquiry and opportunity of hearing". Hence, the order of termination is liable to be set aside. So he submits that as there was no enquiry held and further the voluntary cessation of employment under clause 17 of the 5th Bipartite Settlement dated 10-4-1989 shall stand. So in this case no enquiry was conducted. He may be reinstated.

10. The Learned Counsel for the Respondent submits that he is a habitual absentee and this is first occasion as it has come out in the evidence of MW1 and MW2. MW2 has categorically stated that he has reported several times about the absence of the Petitioner and further there is no proof of his having submitted letters forwarding his leave applications. Secondly in the Hon'ble High Court of A.P. he has averred that his mother has died and in the cross examination he says that his mother had second heart attack. She is very much alive. So it can be safely concluded that he has simply bluffed and made different

settlements. Hence, no sympathy need be shown to him and the petition may be dismissed.

11. It may be seen that the Petitioner was residing at Nimboliadda and even is he was at Nalgonda District there is no written proof that he was at Nalgonda District for few months. After all he was working at Narayanaguda which is hardly 2 KM from his place of residence. Some one on his behalf either his wife or his brother have gone to the bank and give leave application in person. No doubt there is a technical flaw of not conducting an enquiry. Yet, it may be seen that he had been habitual absentee. So I am of the opinion that some relief can be given to him but he cannot be reinstated as a clerk. He originally joined as a sub-staff and he shall be appointed within 30 days from the publication of this Award as sub-staff as a fresh candidate. However, his services from 1-3-74 till 14-11-92 shall be taken into account for terminal benefits. However, as he has treated as voluntarily retired and even he has received payments, the same will have to be deducted at the time of his final settlement and he is not entitled for any back wages or any other relief.

Award passed accordingly, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 31st Day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
WW1 : Sri R. Devdas	MW1 : Sri B. Prasada Rao
	MW2 : Sri G. Ramalinga Swamy

Documents marked for the Petitioner

Ex. W1 :	Acknowledgement of certificate of posting.
Ex. W2 :	Acknowledgement of certificate of posting for Ir. dt. 16-12-92.
Ex. W3 :	Acknowledgement of certificate of posting for Ir. dt. 15-4-93.
Ex. W4 :	Acknowledgement of certificate of posting for Ir. dt. 14-7-93.
Ex. W5 :	Acknowledgement of certificate of posting for Ir. dt. 13-8-93.
Ex. W6 :	Copy of Order No. 666/20/NV/1424 dt. 10-9-93.
Ex. W7 :	Copy of representation dt. 31-12-97.

Documents marked for the Respondent

Ex. M1 :	Copy of affidavit in WP No. 11591/98.
Ex. M2 :	Copy of charge sheet dt. 29-9-89/18-10-89.
Ex. M3 :	Copy of Ir. of disciplinary action dt. 7-3-90.
Ex. M4 :	Copy of charge sheet dt. 29-2-92.
Ex. M5 :	Copy of charge sheet dt. 23-7-92.

Ex. M6 :	Copy of charge sheet dt. 23-10-92.
Ex. M7 :	Copy of disciplinary authority's letter dt. 22-12-92.
Ex. M8 :	Copy of notice under voluntary cessation of employment by employees dt. 30-7-93.
Ex. M9 :	Copy of Order No. 666/20/NV/1424 dt. 10-9-93
Ex. M10 :	Copy of Ir No. 397/cc/3/172 dt. 6-9-91.
Ex. M11 :	Copy of Ir No. 397/cc/3/183 dt. 10-9-91.
Ex. M12 :	Copy of Ir No. 397/cc/3/184 dt. 14-9-91.
Ex. M13 :	Leave letter of WW1 dt. 4-12-91 referring his 'lung' operation.
Ex. M14 :	Copy of Ir No. 397/20/294 dt. 13-12-91.
Ex. M15 :	Copy of Ir No. 666/20/NV/2398/1 dt. 24-1-92.
Ex. M16 :	Medical certificate of WW1 by Dr. R. Bala Subrahmanyam dt. 10-2-92.
Ex. M17 :	Copy of Ir No. 397/cc/20/372 dt. 12-2-92.
Ex. M18 :	Copy of Ir No. 397/cc/3/53 dt. 21-7-92.
Ex. M19 :	Copy of Ir No. 397/cc/3/141 dt. 21-6-93.
Ex. M20 :	Copy of Ir No. 397/cc/3/157 dt. 8-7-93.

नई दिल्ली, 9 जून, 2004

का.आ. 1541.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 83/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-12011/218/2002-आई.आर. (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1541.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/2003) of the Central Government Industrial Tribunal-cum-Labour Court Lucknow as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12011/218/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, LUCKNOW

PRESENT:

Shrikant Shukla,
Presiding Officer

I.D. No. 83/2003

Ref. No. L-12011/218/2002-IR (B-II) dated 29-8-2003

BETWEEN:

The Vice President, Allahabad Bank Staff Association
c/o Allahabad Bank, Jaahari Bajar Branch, Agra (U.P.)

AND

The Assistant General Manager Allahabad Bank,
Swarup Nagar, Kanpur

AWARD

The Government of India, Ministry of Labour vide their order No. L-12011/218/2002-IR (B-II) dated 29-8-2003 referred the following dispute for adjudication.

Whether the demand of Allahabad Bank Staff Association for payment of over allowance to the employees of the Branches of Allahabad Bank located at Agra namely S/Sh. Satish Chandra, In charge Cashier (2) Nand Kumar, Bill Collector, (3) P.N. Tondon, Clerk, (4) R.L. Jain, In charge Cashier, (5) Nirodsh Kumar Kulshersitha, Clerk, (6) Munna Lal, Bill Collector, (7) Rajiv Arora, Clerk (8) Saheb Singh, Head Cashier for performing duty on 12-3-2000 and 26-3-2000 is legal and justified? If yes, what relief they are entitled for?"

The copy of order was endorsed to the Vice President, Allahabad Bank Staff Association c/o Allahabad Bank, Jaahari Bajar Branch, Agra (U.P.) and the Assistant General Manager, Allahabad Bank, Swarup Nagar, Kanpur. It was specified in the order that the party, which raises the dispute, shall file the statement of claim together with the documents and list of witnesses within 15 days of the receipt of that order. The Vice President, Allahabad Bank Staff Association did not file the statement of claim as advised in the said order. A notice was issued to the Vice President, Allahabad Bank Staff Association on 30-10-2003 for filing of statement of claim on 3-12-2003, but the Vice President, Allahabad Bank Staff Association did not file the statement of claim. Thereafter, another notice by registered post was issued on 12-1-2004 but the registered cover did not return. It is therefore, believed that the notice is served on the Vice President, Allahabad Bank Staff Association. The Vice President, Allahabad Bank Staff Association even after service of registered notice did not file the statement of claim. The Court ordered for the issuance of notice to the Assistant General Manager, Allahabad Bank, Swarup Nagar, Kanpur by registered post on 25-3-2004 and a notice was accordingly sent by registered post on 26-3-2004. The registered cover however, did not receive bank. Therefore, it is believed that the opposite party is also sufficiently served.

The Vice President, Allahabad Bank Staff Association was required to prove that its employees performed overtime duty on 12-3-2000 and 26-3-2000 [Copy illegible]. As such, non-payment of over time cannot be adjudicated. Accordingly, no claim award is passed.

Lucknow

Dated 28-5-2004

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 9 जून, 2004

का.आ. 1542.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरियंटल बैंक ऑफ कॉमर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 112/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-12012/29/2001-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1542.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12012/29/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW****PRESENT:**

Shrikant Shukla,
Presiding Officer

I.D. No. 112/2001

Ref. No. L-12012/29/2001-IR (B-II) dated 20-7-2001

BETWEEN:

Smt. Kanchan C/o B. P. Saxena
426 VV-2, Basant Vihar,
Kanpur (U.P.) 208 021

AND

Oriental Bank of Commerce
The Asstt. General Manager,
Regional Office C-43/28/1, Naval Kishore Road,
Hazratganj, Lucknow

AWARD

The Government of India, Ministry of Labour vide their order No. L-12012/29/2001-IR (B-II) dated 20-7-2001 has referred the following issue for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow.

"Whether the action of the Management of Assistant General Manager, Oriental Bank of Commerce, Lucknow in terminating the services of Smt. Kanchan w.e.f. 8-7-95 as Part Time Safai Karmchari is legal and justified? If not what relief the concerned workman is entitled to?"

Smt. Kanchan has alleged that she has been working as part time Safai Karmchhari at Mall Road, Kanpur branch of Oriental Bank of Commerce (here-in-after referred to as the Bank) since 1977. There is another branch of the Bank in Ranjit Nagar, Kanpur where one Birju was working as part time Safai Karmchhari and subsequently he was posted as Peon and transferred to Farukhabad branch and as such the vacancy of Part Time Safai Karmchhari fell vacant in May, 1993 and she was appointed in place of Birju as Part Time Safai Karmchhari in May, 1993. Though she was required to perform all the duties of sweeping, cleaning and adjusting the premises of Ranjit Nagar, Kanpur branch of the bank, which duties was performed by Birju who was paid half of the prescribed salary but she was paid only Rs. 20 per day's which was subsequently raised to Rs. 30 per day excluding sundays and holidays. She worked continuously from May 1993 till 8-7-95 when her services were abruptly terminated by the bank without assigning any reason, payment of notice and retrenchment compensation. The bank appointed another Safai Karmchhari Aji Balmiki in her place on part time basis. The bank initially paid 1/3rd of the prescribed salary of a full time subordinate staff and now bank has raised salary to half of the prescribed salary of full time subordinate staff. While appointing Aji Balmiki the bank did not give any opportunity to the applicant. After termination of the services she repeatedly approached the Manager Ranjit Nagar Kanpur branch of the Bank, and she was assured that she will soon be employed by the Bank. She also met the Asstt. General Manager of the bank at Lucknow personally and she was assured by him to wait and was also assured that she will be appointed as Safai Karmchhari at Mall Road Branch, Kanpur. On the basis of solemn assurance the applicant kept quiet awaiting the vacancy of Part Time Safai Karmchhari at Mall Road Branch of the Bank. Ultimately, the vacancy of Part Time Safai Karmchhari came-up at Mall Road branch, Kanpur of the Bank in March 1998. On occurrence of the vacancy, the Bank did not call the applicant for interview. The Employment Exchange did sent a list of candidates to the Asstt. General Manager, Lucknow of the Bank. On coming to know of this fact the applicant also stood registered with the Employment Exchange got her name sent to the Asstt. General Manager. Despite this the Bank did not call the applicant for interview held in Nov. 1999 and denied opportunity to the applicant. Thus the Bank committed breach of Section 25 H of the I.D. Act, 1947. The worker was left no choice then to raised an industrial dispute before the Asstt. Labour Commissioner (C), Kanpur. The worker has further alleged in para 17 of statement of claim that she worked from May, 1993 continuously till 8-7-95 in clear vacancy where her services were terminated i.e. the applicant worked for more than 240 days in a calendar year preceeding the date of termination of her services. It is also alleged that the Bank neither advised the reason for termination, nor paid notice pay and retrenchment compensation, the Bank committed breach of Section 25 F of the I.D. Act. Therefore she is entitled to reinstatement with full back wages. It is also

alleged in para 17 of the statement of claim that Bank did not give the applicant opportunity for reemployment twice, and therefore Bank has further committed breach of Section 25 H of the I.D. Act, 1947. The applicant has also alleged that she is entitled to reinstatement with full back wages.

The management while filing the Written Statement has satisfied that the worker Smt. Kanchan was never appointed by the opposite party and she has never worked as Part Time Safai Karmchhari at the Mall Road branch, Kanpur or any other branch of the bank at any time whatsoever. It is submitted that as the opposite party Bank is Public Sector Unit the employment against arising vacancy, are as per Government Guidelines and therefore no person can be employed except through the established procedure in the case of Part Time Sweeper. The management has denied that Smt. Kanchan has ever performed the duty of part time sweeper and as such the question of payment of salary does not arise. It is submitted that Smt. Kanchan have been engaged sometime casually in the exigencies of work temporarily. The management has alleged that there is no breach of any provision of Section 25 F or 25 H of the I.D. Act, 1947. It is also state that Smt. Kanchan never went under recruitment procedure in the Bank. The Branch Manager was not authorised to employ anybody in the Bank. Sofar as the meeting with Asstt. General Manager of the Bank is concerned, it is stated that Smt. Kanchan neither met the AGM at Lucknow nor she was assured that she would be appointed as Safai Karmchhari at Mall Road, Kanpur branch. About the allegation of falling of vacany of part time Safai Karmchhari at Mall Road branch, the management has submitted that the indent for the vacancy of part time Safai Karmchhari was placed on 30-8-99, consequently the list sponsored by the Employment Exchange of candidates did not contain the name of the applicant. However, a second list was received for the post was in process. Smt. Kanchan had managed the same how even as she was not eligible on the ground, of her age as per indent placed to the Employment Exchange and her candidature was not considered. The registration of name of the applicant with the Employment Exchange itself proved that she was not employed in the bank and if she was employed, there is no need of registration of her name with the employment exchange. In the circumstances the breach of Section 25H of the I.D. Act, 1947 is not attracted. It is specifically denied that Smt. Kanchan worked in the Bank continuously from May, 93 to 8-7-1995 and her name does not appear on the roll of the bank so there is no question of termination of services. Lastly it is alleged that Smt. Kanchan can not be reinstated with full back wages as no legal ground of her reinstatment exist in the claim statement and the applicant is not entitled for any relief.

The Presiding Officer framed the following issues for final disposal of the issue referred :

1. Whether Smt. Kanchan was Safai Karmchhari in Oriental Bank of Commerce as alleged in the claim statement. Paper No. 2 ?

2. Whether Smt. Kanchan's services were terminated w.e.f. 8-7-95? If yes whether it is legal and justified.
3. Whether Smt. Kanchan is entitled to any relief?

Following dates were fixed for evidence :

1. 7-5-2002
2. 17-6-2003
3. 8-8-2003
4. 27-8-2003
5. 24-9-2003

But none on the above dates appeared for proving her case nor any of his witness examined. Therefore the court was left with no other alternative then to record management evidence proceed the ex-parte against the worker. It is pertinent to mention here that on 17-6-2003 it was very clearly ordered that on 8-8-2003 is the date fixed for workman evidence. All evidence of the workman be examined on the date fixed. In case his representative continued to be sick the workman was to make alternative arrangement well in advance.

It is noteworthy that on the next date fixed the workman or her representative did not turned up. Therefore on 8-8-2003 only following order was passed :

“Case called out. Present Shri Vinay Shankar for the O.P. workman or his representative has not turned up till close of the day.

Case to proceed exparty against the workman.

Fixed 27-8-2003 for management evidence.

Sd/-
P.O.

Even after passing order of ex-parte on 8-8-2003 the workman did not turned up. No explanation was sent by post therefore 25-8-03 was fixed for management evidence. Management examined Sri M.S. Rawat and closed the evidence.

Heard Learned representative of the management as none appeared for the workman.

Sri Rawat the Branch Manager of Ranjit Nagar, Branch Kanpur was examined. He has stated that he never appointed Smt. Kanchan and she is also stated on oath that Branch Manager was no authority to appoint any worker. Mr. Rawat has stated that Smt. Kanchan used to be called sometimes for cleaning the bathroom and for that purposes she used to be paid Rs. 10 to Rs. 20 per day. Mr. Rawat has stated that Smt. Kanchan was not engaged on regular basis instead when the bank used to open on Monday or other days after closure of the bank that the cleaning of the bathroom was required. On the personal request of Smt. Kanchan she was paid the amount in lump-sum and for such payment the vouchers be prepared.

The bank has produced the photo copies of following vouchers :

1. Voucher dated 2-8-94 amounting to Rs. 480.
2. Voucher dated 3-9-94 amounting to Rs. 540.

3. Voucher dated 1-10-94 amounting to Rs. 480.
4. Voucher dated 1-11-94 amounting to Rs. 480.
5. Voucher dated 7-2-95 amounting to Rs. 300.
6. Voucher dated 10-3-95 amounting to Rs. 304.50.
7. Voucher dated 4-4-95 amounting to Rs. 720.
8. Voucher dated 1-1-95 amounting to Rs. 600.

Out of said vouchers, voucher dated 10-8-95 is paid for stationary as per the bill. Voucher dated 7-2-95 is document for giving advance to Smt. Kanchan. If above documents are considered to be genuine following facts are made out ;

Smt. Kanchan has been paid for 24 days cleaning @ Rs. 20 per day on 2-8-94. She was also paid Rs. 540 for cleaning of office for 27 days vide voucher date 3-9-94. Smt. Kanchan was again paid Rs. 480 for cleaning @ 20 per day as 1-10-94. She was again paid Rs. 480 for cleaning office for 24 days on 1-11-94. Thus, Smt. Kanchan has been paid for 99 days in the year 1994 for cleaning purposes.

In the year 1995 there are two vouchers only dated 4-4-95 and 1-5-95, which show the payment for 24 days in March and April 1995.

From the above vouchers it is made out that Smt. Kanchan was paid for only but 150 days.

From the above evidence I come to the conclusion that Smt. Kanchan has not completed 240 days and has worked only for about 160 days of working before her dis-engagement therefore the provision of section 25F & 25H of the I.D. Act, 1947 are not attracted.

From the discussion I come to the conclusion that Smt. Kanchan's dis-engagement from 8-7-95 is not illegal or unjustified. The issue is answered in favour of the management and in the circumstances workman is not entitled for any relief.

Lucknow

Dated 24-5-2004

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 9 जून, 2004

का.आ. 1543.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापतनम डॉक लेबर बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 12/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल.-34025/1/2004-आई.आर. (बी-II)-]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1543.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 12/2002) of the Central Government Industrial Tribunal-cum-Labour

Court Hyderabad as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Visakhapatnam Dock Labour Board and their workman, which was received by the Central Government on 8-6-2004.

[No. L-34025/1/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT:

SHRI E. ISMAIL, B.Sc., LL.B. : Presiding Officer

Dated the 19th day of April, 2004

INDUSTRIAL DISPUTE L.C.I.D. No. 112/2002
(Old I.D. No. 1/2000 from Industrial Tribunal-cum-Labour Court, Visakhapatnam)

BETWEEN:

Sri Mokka Maheswara Rao,
R/o 9/302, Narasimhanagar,
Gopalapatnam, (P.O.)
Visakhapatnam-530027

....Petitioner

AND

1. The Secretary,
Ministry of Surface Transport,
Transport Bhavan, (Ports Wing),
1, Sansad Marg, New Delhi-110001.

2. The Deputy Chairman,
M/s. Visakhapatnam Dock Labour Board,
Dock Labour Board,
Visakhapatnam-530035.

.....Respondents

APPEARANCES:

For the Petitioner : Sri K. Balakrishna, Advocate

For the Respondent : Sri D. V. Subbha Rao, Advocate

AWARD

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No. 1/2000 and renumbered in this Court as L.C.I.D. No. 12/2002.

2. The brief averments as stated in the petition are : That the workman joined in service w.e.f. 10-1-93 bearing token No.6701 as labour on compassionate grounds. Before he could join in the said service, some unauthorized person took his position as though he was Son of Late

Atchanna and Mr. Atchanna died in harness while in service. After being duly enquired into the bonafide the workman was given employment as he was the proper person to get the employment. That he was dismissed from service on 4-5-99 alleging that committee has found that he was misrepresented. He filed WP No. 12600/94 against the same on the file of the Hon'ble High Court of A.P. which directed the Respondents to continue him in service and also further directed to conduct fresh enquiry. Accordingly, a fresh enquiry was conducted in utter derogation of principles of natural justice and again discharged him from service w.e.f. 28-5-99 vide orders dated 30-4-99. No wages have been paid from 1st May, 1999 to 28th May, 1999 though the workman had worked. Appeal was preferred which was also dismissed. Hence, the dismissal order the appellate order may be set aside directing him to reinstate with all attendant benefits and back wages from 1-5-99.

4. A counter was filed challenging the jurisdiction of this Court under Sec. 2A(2). All the other matters have been agreed. That the Petitioner approached the Court and as per the directions of the Hon'ble High Court an enquiry was conducted with following the principles of natural justice. The Board after considering the enquiry report the explanation of the petitioner passed the resolution vide resolution No. 7/99 and Chairman of the Board remove the workman vide orders dated 28-5-99. The workman file an appeal which was also dismissed. That he filed a Writ Petition as the Writ Petition was dismissed, the approached the Hon'ble High Court which was also dismissed. The allegations that wages were not paid from 1-5-99 to 28-5-99 are wrong. Hence, the Petition may be dismissed.

5. Arguments were heard on validity of domestic enquiry and his Court by a detailed order dated 8th July 2002 that the domestic enquiry is validly conducted Arguments were heard under Sec. 11A and the Learned Counsel for the Petitioner cited several decisions. In 1999 (5) ALT page 450 wherein his Lordship held, "Even if findings on misconduct are justified Labour Court has power to hold dismissal as unjustified and award appropriate and lesser punishment in the circumstances of a particular case". He also cited from the same Judgement of the observation of the Hon'ble Single Judge of the Hon'ble High Court of A.P. that the, "Labour Court is duty bound to re-appreciate the evidence in case where the workman filed a memo conceding the validity of domestic enquiry". He also cited several other judgements which with respect to him, I am of the opinion that they are not germane to the point of issue. He prayed for reinstatement with back wages.

6. It is argued by the Learned Counsel for the Respondent that once the enquiry has been held valid and the Petitioner has impersonated himself, he does not deserve any sympathy and if such be the case everyone having

impersonated or obtained fake certificate would claim for protection under Sec. 11A. Hence, the petition may be dismissed.

7. It may be seen that a number of judgements cited by the Learned Counsel for the Petitioner that this Court is duty bound to re-appreciate the evidence even the case whether the workman files a memo concedings as to the validity of the domestic enquiry. Which otherwise means that as in this case the enquiry is held valid yet, I have to re-appreciate the evidence that has been lead in the enquiry. In this case Sri R. Seshagiri Rao, Assistant Engineer, was appointed as enquiry officer through an order No. P1/95/987 dated 2-11-95 to enquire into the charges of impersonation levelled against 16 casual workers.

8. The case of the Petitioner herein Sri M. Maheswara Rao, casual worker No. 6701 is one among the 16 and has been taken up for the enquiry. He was served with a show cause notice dated 2-1-95 on the report of verification committee charged against him was that he enlisted in the name of Sri M. Maheswara Rao is a casual worker No. 6701 as an impersonator to which he gave a reply denying the charge. He has taken the assistance of Sri D. Suryanarayana, Tally Clerk No. 10051 in the first instance and later Sri N. Nageswara Rao, Jr. Assistant and Vice President of VDLB & DW union. The enquiry was posted right from 1996 to 1998. Two witnesses were examined, one is Sri Moogi Nookaraju, Tally Clerk No. 10080 as PW1 and Sri Mokka Appalanaidu, Mazdoor No. 1761 as PW2 whereas the Petitioner examined Sri Mokka Apparao, his brother who is also working in the steel plant. He relied on the certificate filed by the charged worker that Sri M. Atchanna had a son, whose date of birth was 10-6-1973, the son would be 6 or 7 years of age at the time of submission of PF and Gratuity nomination during 1979-80 but the name of the Petitioner does not appear, but a name Srinivas appears. So he concluded that he do not have a son by name of the Petitioner. The Learned Counsel for the Petitioner submits that the findings are wrong. He also relied on legal heir certificate dated 20-4-1998 and on voters list of 1995 which according to the Respondent are purposely created for this purpose. Let us further go into the enquiry and re-appreciate the evidence.

9. It may be seen that the Petitioner was served with a show cause notice dated 2-1-95 that he has impersonated. The Petitioner was assisted by Sri D. Suryanarayana, defence representative, later Sri N. Nageswara Rao, Jr. Assistant and Vice President of VDLB & DW union. It may be seen that M.R.O. certificate which was obtained in 1998. Mokka Atchanna died in 1982 leaving behind the wife, one Mashewara Rao, the son and Mamidi Ratnam, the daughter. So it may be seen that the said legal heir certificate is obtained in 1998 and the voters list is as on 1-1-95 by then he was already issued with a notice on 2-1-95. Late Mokka Atchanna had submitted PF and Gratuity nomination documents during 1979-80 in which the name of Maheshwara Rao is not there. A name of Srinivas aged

3 years was mentioned whereas Maheswara Rao's name was not found. So from gratuity nomination and PF nomination, Atchanna was not having a son by name Maheswara Rao. So it may be further seen that the evidence of the defence witness that M. Atchanna had two wives and that Petitioner's mother was mentally upset and gone somewhere, her whereabouts are not known, appears to be a build up story not to put her in the witness box as she would be the most appropriate person to disclose about the birth of the Petitioner. It may be noted that no doubt, PW1 appears as a defence witness in the enquiry proceedings and not as prosecution witness but in the end he says that he does not know the Petitioner personally but he knows Maheswara Rao when his relatives shown him as son of Atchanna. PW2 in the enquiry also speaks that Maheswara Rao is the son of Atchanna. That the most surprising aspect is the evidence of PW1 who is the father of Maheswara Rao, who claims that his son obtained job claiming himself to be son of Atchanna. But in the end all is washed off when he says that he does not know the present Petitioner Maheswara Rao personally. Now what happened, his son is alleged to have obtained job falsely by claiming himself to be son of Atchanna. But one thing is sure, that although the prosecution witness tried to prove that the Petitioner is son of Atchanna, but it is not clearly established. It was in other way round as if they were the defence witnesses. Whatever it is, the PF and Gratuity nomination does not speak about Maheswara Rao and legal heir certificate from M.R.O. was obtained in 1998 and the voters' list is dated 1-1-95. That is after his obtaining the job in 1993. If the voters' list was earlier, it would have had sufficient value. But, now I am afraid no value can be attached to it and he is an impersonator and whether PW1's son is an impersonator having obtained the job by falsely claiming himself to be son of Atchanna is a different issue. But, suffice it to say that the Petitioner apparently is not the son of Atchanna. Hence, I am of the opinion that he is not entitled for any relief. In the result, an Award is passed holding that the Petitioner is not entitled for any relief.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 19th day of April, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL
Documents marked for the Petitioner	
NIL	
Documents marked for the Respondent	
	NIL

नई दिल्ली, 9 जून, 2004

का. आ. 1544.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 260/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-12011/93/2002-आई आर (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1544.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 260/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 8-6-04.

[No. L-12011/93/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present :

Shri E. ISMAIL
Presiding Officer

Dated : 3rd day of April, 2004

Industrial Dispute No. 260/2002

BETWEEN

The Regional Secretary,
Vijaya Bank, Workers Organisation,
3rd floor, Swarnalok Complex,
Eluru Road, P. O. Vijayawada.

....Petitioner

AND

The Assistant General Manager,
Vijaya Bank, Regional office,
1st floor, 1st Lane, Masjid Street,
Vijayawada.

....Respondent

Appearances :

For the Petitioner : NIL

For the Respondent : M/s. E. Ajay Reddy, B. Venkat
Reddy & K. Ravi Kumar,
Advocates

ORDER

This is a case referred by the Govt. of India, Ministry of Labour by order No. L-12011/93/2002IR(B. II) dt.

16-7-2002 between the management of Vijaya Bank and their workman in to this Tribunal as I.D. No. 260/2002 and notices were issued to the parties.

SCHEDULE

Whether the management of Vijaya Bank is justified in imposing the punishment of reduction to a lower stage in the time scale of pay by one stage with cumulative effect for a period of one year upon Smt. C. Priyamvada ? If not, what relief is the disputant concerned entitled to ?

2. The case is already referred in I.D. No. 294/2002 which is pending in this Tribunal. Hence, this reference is closed as superfluous. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 3rd day of April, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for : Witness examined for the
Petitioner : Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2004

का. आ. 1545.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 268/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-12025/11/2004-आई आर (बी.-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1545.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 268/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 8-6-04.

[No. L-12025/11/2004-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present :

Shri E. ISMAIL, B.Sc., LL.B.,
Presiding Officer

Dated the 12th day of April, 2004

Industrial Dispute L.C.I.D. No. 268/2001

BETWEEN

Sri P. Rajeswara Rao,
S/o. P. Peddaiah,
R/o. 37-1-413(13),
9th Lane, Ramnagar,
Ongole.

....Petitioner

AND

1. The Assistant General Manager,
Regional Officer,
United Bank of India,
Natraj Complex,
Governorpet,
Vijayawada.

1. The Assistant General Manager,
The United Bank of India,
Central Office,
239, Vidhan Bhavan Marg,
Mumbai-400021.

....Respondents

Appearances :

For the Petitioner : M/s. G. Vidya Sagar,
K. Udaya Sree, P. Sudheer Raol
& A. Laxman, Advocates

For the Respondent : M/s. C. R. Sridharan,
G. Narender Reddy & S. Ramesh,
Advocates

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief averments of the petition are : That the Petitioner joined the Union Bank of India on 4-12-84 as clerk cum cashier. He was promoted as Head Cashier in 1993. He was working at Kandukur branch. While so, the petitioner came into contact with one Sri J. Krishna Mohan, Accountant of the bank. During that period he was having certain financial problems from September, 1997 to April, 1998 due to Chronic ill-health of his wife and father. Krishna Mohan helped him to overcome financial crisis at the behest of Krishna Mohan certain errors crept in. He could not bring the said errors, irregularities to the notice of higher officials. He was asked to give a statement before the Chief Manager, thereafter he deposited a sum of Rs. 1,10,000/- towards the amount due from him to the bank. Vide proceedings dated 8-7-98 he was placed under suspension. He was issued with a chargesheet dated 24-7-98. It was alleged that he colluded with Sri Krishna Mohan, to defraud the bank and he gave a detailed explanation denying the

charge. Thereafter he was issued with a chargesheet and enquiry was conducted by Sri N.S. Ramakrishna styling himself as an Enquiry Officer and disciplinary authority. Accordingly, an enquiry was conducted by him on various dated. The Petitioner pleaded guilty of the allegations made against him and enquiry was concluded and Petitioner submitted a written brief dated 24-4-1999. the Enquiry Officer gave a report dated 10-5-99 and directed the Petitioner to appear for personnel hearing fixed on 15-10-99 to submit explanation. He was imposed with the punishment of dismissal from service and an appeal was preferred which was also dismissed.

3. The Management has failed to note that the irregularities were committed at the behest of Sri Krishna Mohan, Accountant. Thereafter, initiating the disciplinary proceedings against the Petitioner is erroneous and misconceived. That the enquiry is not fairly conducted. Even the chargesheet cannot be sub-delegated nominating Sri N.S. Ramakrishna as Enquiry Officer and disciplinary authority. Therefore the nomination of Enquiry Officer is also bad. Even otherwise the Accountant Sri Krishna Mohan was let off with minor penalty. Therefore, the punishment given to the Petitioner is highly disproportionate and he also should have been let off with minor penalty.

4. A counter was filed challenging the jurisdiction of this court under Sec. 2 A(2) and further stated that the Petitioner was working as Head cashier in the Kandukur branch of the Respondent bank and has committed certain serious acts of misconduct and that is a misappropriation of sums prejudicial to the respects of the Respondent bank involving serious loss in terms of money and otherwise. In view of the gravity of the misconduct reported against the Petitioner, vide proceedings dated 8-7-98, he was placed under suspension with a memo dated 24-7-98. That actually the balances in 35 accounts in 10 ledgers were jotted down for lesser amounts in the balancing books as of April, 1998. This practice of deliberately jotting the lesser balances was in existence from September, 1997 involving Rs. 3,15,000/-. The Petitioner in his explanation expressed his regrets assured against recurrence of such acts in future. That Sri N.S. Ramakrishna, deputy Manager was appointed as Enquiry Officer. He conducted the enquiry as per principles of natural justice. Petitioner was duly assisted by a defence assistance of his choice Sri B. Subramaniam, Organizing Secretary of Union Bank Employees' Union and unconditionally admitted all the charges levelled against him vide memorandum dated 24-7-1998 and the charges against him. In view of the categorical admission of the Petitioner the enquiry was closed. Hence, the enquiry is validly conducted. Hence, he is not entitled for any relief.

5. Arguments were heard on the validity of domestic enquiry and it was held by a detailed order dated 6-8-2003 that the enquiry is validly conducted. Arguments were advanced under Sec. 11(A).

6. The Learned Counsel for the Petitioner argued that the Accountant has been let off by a minor punishment. Taking into consideration his long service and

ill-health of his wife and father and the fact that he himself voluntarily confessed and paid the amount, a lenient view should have been taken. Therefore, this Court may reduce the punishment by stopping some increments which serve the ends of justice.

7. It is argued by the Learned Counsel for the Respondent that it would not fit in the things if it is what the Petitioner stated in the appeal is reproduced here : "..... as ill-luck could have it I was forced to commit some irregularities in the bank with active instigation and selfish end of Sri J. Krishna Mohan who worked as Accountant in the Branch of the Bank at Kandukur. I repented myself and I could not digest the irregularities committed by me. I brought the entire unpleasant things personally to the notice of Branch Manager, and I confessed myself voluntarily before the Branch Manager, I paid the entire amounts which I have taken, voluntarily I did not suppress anything in this regard. I have given a statement to the Branch Manager confessing my misdeeds. But the Enquiry Officer & Disciplinary Authority did not show any mercy on me and failed to consider the humanitarianism though I begged and confessed many times." So he submits that in view of his voluntary confession and as it is a financial institution granting him any relief would be uncalled for mercy.

8. It may be seen that justice should be tempered with mercy. But to what extent? I can understand if there is some such lapse once or twice. Here we find that 35 accounts in 10 ledgers were jotted down for lesser amounts from September, 1997 to April, 1998. Can it be said that it was a momentary lapse which can be viewed with sympathy and mercy. It went on for about 8 months and no doubt one good thing is he confessed and paid the amount. But is that sufficient? If one were to commit a heinous crime like murder and confesses it, does it absolve him from punishment? I am afraid no. So here also this is a lapse not once or twice but 35 times involving Rs. 3, 15,000/- . So I am afraid it is not a fit case to show any mercy. Hence, I hold that no interference is called for in the order of the Petitioner's dismissal and the Petitioner is not entitled to any relief.

Award passed accordingly. Transmit.

Listed to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th day of April, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for : Witnesses examined for the
the Petitioner : Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2003

का. आ. 1546.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बरोदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (संदर्भ संख्या 8/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल-12012/181/2001-आई आर (बी.-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 9th June, 2004

S.O. 1546.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12012/181/2001-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT LUCKNOW

Present :

SHRIKANT SHUKLA,
Presiding Officer

I.D. No. 8/2002

Ref. No. I-12012/181/01/IR (B-II) dated 29-1-2002

BETWEEN

Sri Rama Shanker Mishra
L, 17, Amreshpuri,
Rae Bareli

AND

Regional Manager,
Bank of Baroda,
Regional Office, Lodhwari Kothi
Katchari Road, Raebareli

ORDER

The Government of India Ministry of Labour vide their order no. L-12012/181/2001/[IR (B-II)] dated 29-1-2002 referred the following issue for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow;

“WHETHER THE ACTION OF THE MANAGEMENT, BANK OF BARODA, RAEBARELI IN TERMINATING THE SERVICES OF SRI RAMA SHANKER MISRA W.E.F. 9-9-98 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF THE CONCERNED WORKMAN IS ENTITLED TO?”

Sri Rama Shankar Misra filed his statement of claim on 4-10-2002 after availing 10 opportunities and thereafter he started absenting. The opposite party filed written statement on 4-6-2003. The worker appeared on 15th Sept., 2003 and moved an application for adjournment seeking time to file rejoinder and evidence. Court permitted Sri Rama Shankar Misra to file the rejoinder within a week but the worker did not file rejoinder nor filed any evidence in support of his case.

On 11-12-2003 following three issues were framed in absence of the parties;

1. Whether the enquiry conducted by the management were without observing principle of natural justice?

2. Whether the worker has been convicted has alleged in para 34 of the written statement? If so its effect.

3. Whether the dismissal order is without notice if so its effect.

The next date was fixed 3-3-04 but the parties remained absent. Therefore there is no other option to proceed with the adjudication of the case. It is noteworthy here that the opposite party Bank of Baroda has filed in the evidence shape of affidavit of Sri K.N. Pandey who was Asstt. General Manager of Bank of Baroda, Regional Office, Lucknow.

The case of the workman is that he was appointed in the Bank of Baroda at Birhana Road Branch, Kanpur on 20-2-73 as Cash-Clerk-cum Godown Keeper after being recruited through examination by NIBM. He alleges that he did his job up to the satisfaction of the management till he was transferred to Malikman branch Raebareli in March 1978. Sri Misra joined Malikman branch Raebareli in March, 1978 and worked there till March, 1985 and during his stay at this branch he never gave any chance of complaint. Sri Misra was deputed to Dariyapur branch Raebareli and by virtue of seniority he was posted as Head Cashier Category C through a letter for the time; the branch was under Municipal Area. So long, he was at Dariyapur branch, drew special allowance for Head Cashier Category C. Sri Misra stayed at Dariyapur branch approximately 28 months and worked there for full working hours each day. Worker has alleged that he was entitled to deputation allowance and he claimed for the above allowance from the bank authorities which made the foundation of a complaint, so called misconduct against the workman. Getting annoyed the then Branch Manager started to weave a net to fish the workman in its revenge. Sri Misra was further threaten for a severe punishment. The Regional Manager of the bank, the disciplinary authority himself warned the workman to level him in to the soils while he visited the branch on its inaugural function. On 31-7-87 due to prejudice Shri Misra was suspended vide letter No. UPL/13/STF/114/1910 dated 30th July, 1987. Sri Misra filed a Writ Petition, which proved to be for serve regarding prejudice of the management. The bank had no way but to serve fabricated charge sheet

No. UPL/14/STF/1114/1668 dated 14-6-88 which consisted for four charges and few time barred allegations of the nature of Civil Liabilities. These allegations were not maintainable at all under the Limitation Act of the India. By a order passed in the Writ Petition the bank was directed not to suspend the workman until the charge sheet was served. The management was highly prejudiced due to filing the Contempt of Court by the workman for Non-Implementation of the decision given by Hon'ble High Court Allahabad, Lucknow Bench. As the disciplinary authority the Regional Manager Mr. N. B. Parikh appeared before the Hon'ble High Court. Due to this he get frustrated during proceedings, he threatened the workman for removal from the bank by hook or crook. The workman joins the bank on 4th Nov., 1991 after suspension in terms of letter No. UPR/2/STF/C-551/1679 dated 4th Nov. 1991. Again the workman was charge sheeted vide No. UPR/5/STF/2705 dated 24th Nov., 1994. Sri Misra has alleged that the enquiries of both the charge sheet were neither fair nor proper and no place was given of natural justice in favour of the workman.

Two enquiries completed as stage show drama. During both the enquiries the Branch Manager Sri T. K. Bhattacharya was also chargesheeted in almost same grounds. On demand of copy of the charge, evidence produced by the then Branch Manager, workman was denied by the enquiry officer. Sri Misra was ultimately dismissed from the bank service under Dismissal without notice vide letter No. UPR/09/DISA/VIG/85 dated 9th Sept. 1998. The bank manipulated charge withdrawal of Rs. 51,000/- from the account of Mr. Vinod Kumar Srivastava in which the bank authorities utilized the liason and status with the CBI authorities. The case is pending with the Hon'ble High Court, Allahabad, Lucknow bench. Sri Misra preferred an appeal before the appellate authority of the bank not to victimise the workman and requested lawful favour but after the expiry of more than 23 month, bank management performed another drama in terms of personal hearing. They were asked to produce despatch register to Asstt. Labour Commissioner(C) for false call letters to workman for hearing which they could not produce. The procedure adopted for dismissal without notice to the workman is a waste papers buff managed in hub and bub. In the circumstances workman has requested to get aside both the enquiries which are neither fair nor proper but merely stage show drama and the punishment imposed and has further prayed for salary of suspension period.

The management has denied the worker's allegations. The management has alleged that according to section 10(b)(i) of the Banking Regulations Act, 1949 inter alia provides that no banking company shall employ or continue the employment of any person who is or who has been convicted by a criminal court of an offence involving mortal turpitude. Sri Misra was chargesheeted by the Central Bureau of Investigation in a fraud committed by him of Rs. 51000 and he was convicted by the court and a sentence of 3 years of rigorous imprisonment and penalty of Rs. 55000 under Section 420 of IPC and another sentence of three

years rigorous imprisonment and fine of Rs. 5000 under Anti Corruption Act, 1977 has been imposed. Since Sri Misra was convicted by a court of an office involving moral turpitude and according, in terms of Section 10(b)(i) of the Banking Regulations Act, 1949 the bank cannot employ or continue him in the bank. It is admitted that the chargesheet dated 14-6-88 was issued to the concerned workman for the serious misconducts committed by him during the course of his employment inter alia the charges against the concerned workman were that he availed L.F.C. facility twice on two different blocks and unauthorisedly kept with him the advance taken by him from the suspense account for a long period; he availed overdraft of Rs. 4000 against FDR and allowed the balance to accrue to Rs. 16000 and he got purchased a cheque of Rs. 4000 drawn by his family member and returned B.P. was adjusted after two months; he influenced and pressurised the Branch Manager in financial transactions in extending certain facilities to firms of his family members including loan and purchasing instruments of Rs. 15000, Rs. 12000 and Rs. 15000 respectively. The service of second charge sheet is also admitted and the bank has stated that second charge dated 24-11-94 was issued to him for the misconducts committed by him while he was posted at Dariyapur Branch as Head Cashier on temporary basis, and the charges inter alia were to the effect that he got purchased from the Branch Manager a cheque of Rs. 40000 in the name of his brother after crediting of the amount in his brother's account. The amount was withdrawn by him. The schedule of repayment prepared was not dispatched on the same date and the amount was redeposited after 14 months without charging interest. Further he pressurised the Branch Manager, Dariyapur to sanction and disburse a loan of Rs. 10000/- each to two different borrowers and the amount of these loans was utilized by him for adjusting the entry of Rs. 40000. In relation to the first charge sheet dated 14-6-88 which was duly served on the workman, Mr. N. K. Krishna Subrahmanyam, the then Sr. Manager at Regional Office, Lucknow was appointed as enquiry officer. However, enquiry officer was changed and Mr. M. Z. Hashmi the then Sr. Manager, Zonal Office, Lucknow was appointed as enquiry officer. The enquiry officer conducted the enquiry into the charges levelled against the workman in consonance with the principles of natural justice, giving full opportunity of hearing and defence and in the enquiry report submitted by him, he found all the charges except one of Dariyapur Branch, as proved. In relation to the second charge sheet dated 24-11-94 the bank has submitted that which was also duly served upon the concerned workman and Mr. Krishan Kumar, the then Sr. Manager (Credit) Regional Office, Raebareli was appointed enquiry officer and he too, after conducting the enquiry in consonance with law submitted his report holding the concerned workman guilty for charges No. 1, 4 & 5 charge No. 2 was not found by him to be proved and charge No. 3 was partly proved. It is further submitted that both the enquiries against the concerned workman were conducted in consonance with law. Proceedings of each date of

enquiry were duly recorded, witnesses were examined and cross examined. The copy of enquiry reports/findings of enquiry officers were made available to the concerned workman for his representation, if any thereon. But the concerned workman chose not to make any representation against the findings of the enquiry officer. The disciplinary authority thereafter proposed the punishment of dismissal without notice and at the same time confirmed the period of suspension and gave personal hearing to him on 5-9-98. After considering the submission of the concerned workman during the said personal hearing by the disciplinary authority, the entire facts of the case and the records of the enquiry, the proposed punishment was confirmed by the disciplinary authority vide order dated 9-9-98. Sri Misra against the said order preferred an appeal dated 22-10-98. The Appellate Authority workman personally at length on came to the conclusion that there was no requirement to interfere with the orders of disciplinary authority and consequence dismissed the appeal by its order dated 13-9-2000. The concerned workman was given due opportunity of hearing in consonance of principles of natural justice, as also the provisions of bipartite settlement and action of the management of the bank in dismissing the concerned workman from services is in consonance with law and does not call for any judicial scrutiny by this Tribunal. The punishment imposed by the management of bank is proportionate to the misconducts committed by him. Tribunal does not sit in appeal over the findings of the enquiry officer. The proceedings of the enquiry can be challenged only on the grounds of violation of principles of natural justice causing prejudices to the concerned workman. The findings of the enquiry officer can be challenged on the ground of perversity to an extent that no prudent man could have arrived at a conclusion arrived at by the enquiry officer. Noticeably the concerned workman has not taken any of these two grounds in the statement of claim filed by him nor he pin pointed specific violation of the principles of natural justice to his prejudice in the conduct of enquiry proceedings. The management has disputed the claim of the workman that his service record was not satisfactory. The management has submitted that even prior to 1978 his service record was not satisfactory and there was numerous case of cash shortages, it is also submitted that the entire service record of the petitioner is full of blemishes. While he was posted at Birhana Road Branch, Kanpur there was allegations of the being involved in misappropriation of mutilated notes of Rs. 315. He was also reported to have been involved in financial irregularities of different stages letters dated 25-2-77, 22-3-77 and 11-6-77 were written in this regard. It is categorically stated by the management of bank that since Dariyapur Branch situated within the municipal limits of Raebareli hence the question of payment of halting allowance or any conveyance allowance does not arise. The allegation of the concerned workman to the effect that it was his claim for payment of deputation allowance which has annoyed the management of the bank and that

institution of departmental enquiry was as a result of such annoyance arising out of such claim made by him, is sheer imagination on his part. It is submitted the environment in the bank is such that the employees are free to raise any demand and raising of any demand can never annoy any management. The employees have a strong union. However, any request/demand of the concerned workman could not be acceded to since it was not provided for under the rules. The nature of misconducts/allegations/charges were of serious nature involving financial irregularities leading to severe apprehension in the minds of the management about integrity and honesty of the concerned workman. It has been categorically denied by the management, of any prejudice of any motivated plans. However, it is not disputed that the concerned workman was suspended by letter dated 30-7-87. The filing of Writ Petition before the Hon'ble High Court has not been disputed. The passing of order dated 11-5-95 is also not disputed by the management, wherein it was provided that charge sheet be served to the concerned workman within three weeks from the date of service of certified copy of the said order and if the chargesheet was not served within the stipulated period then the suspension order would stand stayed. Sri Misra obtained the certified copy on 16-5-88 and served the same on 2-6-88, within 13 days of the receipt of the said certified copy of the order of High Court chargesheet dated 14-6-88 was sent to the workman by registered post on 15-6-88. Thus the charge sheet was served upon the workman well within time of three weeks provided by the Hon'ble Court in the interim order. However mischievously the workman did place the incorrect facts before the Hon'ble High Court and filed a contempt petition in which the notices were issued. The correct position was duly informed to the Hon'ble High Court. The management has admitted that it took some time in issuance of the charge sheet to the workman because of the prolong investigation which were being carried out by the internal agencies (bank) as also the external agencies CBI, Lucknow for the gross financial irregularities committed by the workman while discharging his duties as Head Cashier Category C at Dariyapur Branch. The management has categorically denied that any threat was ever extent to the workman for his removal from services by the bank. The management has also categorically denied that it was stage show drama. Because all the charges were not covered in the earlier charge sheet does not in any manner exonerate the concerned workman of the 2nd charges against him. Issuance of a second charge sheet does not violate the principles of natural justice in any manner. However it is submitted that both the enquiries were conducted strictly adhering to the principles of natural justice whereby the concerned workman was given free and fair opportunity to defend himself. He was made available documents sought by him and opposed produce his defence evidence. In number of adjournment were sought by the concerned workman on the pretext or the other and adjournments were granted by the enquiry officer. Management denied that the enquiries were not fair and proper. With regard to the allegation of the workman that

the copy of charge sheet evidence in case of Mr. T.K. Bhattacharya. were not given. The management has stated that the demand of the workman was not fair and proper. Therefore, in his judgement. The enquiry officer did not accept it. In no circumstances it could be held that the action of the enquiry officer is violative of principle of natural justice. The concerned workman has failed to indicate the prejudice caused to him for no supply of any documents. Dismissal of Sri Misra vide order dated 9-09-1998 is not dispute. It is also submitted by the bank that suspension period has been treated as period not spent on duty and decision taken in this regard in terms of order passed by the competent authority while passing the final order. In the last management has requested that the workman is not entitled to any relief from this tribunal. The management has filed affidavit in support of his case as well as workman has not filed any parties could not heard as they absented from the court.

Issue No. 1 framed by this court on 11-12-2003 was whether the enquiry conducted by the management were without observing principle of natural justice?

The burden of the above issue was on the workman to prove that the enquiry conducted without observing of natural justice. But the worker has not discharged his burden. The affidavit filed by the management that the enquiry conducted by the management were fully observing the principle of natural justice.

Issue No. 2 has framed on 11-12-2003 was whether the worker has been convicted as alleged in para 34 of the written statement? If so its effect? Management has proved by affidavit that the workman has been convicted the result will be the worker shall not be entitled to continue in the service.

Issue No. was framed on 11-12-2003 on the question whether the dismissal order is without notice if so its effect. The worker has not come forward to show whether any prejudice is caused to him by the order since he was served with the enquiry report. The management has proved that copies of enquiry/findings of the enquiry officer was made available to the workman. But the concerned workman chose not to make any representation against the findings of the enquiry officer. Therefore the dismissal order without notice has no effect on the punishment imposed upon him.

On careful consideration of the evidence on record I come to the conclusion that the action of the management of Bank of Baroda, Raebareli in terminating the services of Sri R.S. Misra with effect from 9-9-98 is legal and justified. The issue is accordingly answered in affirmative in favour of the management. The workman is not entitled to any relief.

31-05-2004

Lucknow

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 9 जून, 2004

का. आ. 1547.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के

प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 256/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं० एल-12011/52/2002-आई आर (बी.-II)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2003

S.O. 1547.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 256/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12011/52/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. Ismail, B. Sc., LL.B., : Presiding Officer

Dated the 22nd day of March, 2004

INDUSTRIAL DISPUTE No. 256/2002

BETWEEN:

The General Secretary,
Syndicate Bank Staff Association,
Anand Plaza, II floor,
Near Anand Rao Circle,
Bangalore-560 009.

... Petitioner

AND

The Dy. General Manager,
Syndicate Bank, Zonal Office,
Somajiguda,
Hyderabad - 500 082.

... Respondent

APPEARANCES:

For the Petitioner : M/s. A. K. Jayaprakash Rao, K. Srinivas Rao, P. Sudha, T. Bal Reddy, M. Govind, N. Sanjay & K. Ajay Kumar, Advocates

For the Respondent : M/s. A. Krishnan Raju, G. Dinesh Kumar, G. V. N. Babu, N. Premananda Rao & T. P. Das, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12011/52/2002-IR(B-II) dated 18-6-2002 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the employers in relation to the Management of Syndicate Bank and their workman.

SCHEDULE

“Whether the action of the management of Syndicate Bank, Hyderabad in dismissing the services of Sri M. V. Raja Rao, Clerk, Chaitanyapui, Hyderabad is legal and justified? If not, what relief the workman is entitled to?”

This reference was registered as Industrial Dispute No. 256/2002 and notices were issued to the parties.

2. The brief averments as mentioned in the claim statement are : that the Petitioner joined on 20-9-76 as a clerk cum typist and put in a clean record of service. He was illegally dismissed on 30-1-2001. That while the Petitioner was working as clerk-cum-typist on 27-6-2000. On 28-7-2000, M/s. Sri Laxmi Tyres Agency, customer, has deposited a sum of Rs. 90,100 to the current Account No. 860, but by mistake in the cash slip prepared by M/s. Sri Laxmi Tyres Agency, it was mentioned Rs. 83,100. It is further alleged that there was excess cash of Rs. 7,000. That the Petitioner denied the said allegation. However, the Senior Branch Manager forced the Petitioner to refund the amount sent to kept cordial relation between the bank and the customers. The Petitioner submits that in order to keep the respect of the bank he was forced to refund the amount even though he received only R. 83,100. Further he was transferred from the regional office (Rural) to Chaitanyapuri branch on 24-6-2000 and normally the practice was to credit the salary of the employees in the respective accounts on the last but one day of the month. When he was transferred and joined the duty at Chaitanyapuri branch on 27-6-2000, he has discounted the cheques towards his salary on 8-7-2000 for which the Respondent bank is solely responsible for noncrediting the salary in his account. Therefore, the Petitioner was allowed to sustain with his family members, has drawn the amount payable by the Respondent bank.

3. The delinquent employee stood as a surety to the co-employee by name Mr. G. Balaiah, together with Sri Ratnam Raju, clerk and Smt. Shashikala. That the Hon'ble court ordered attachment of salary to all the three. Curiously the bank has taken action against him.

4. Further, in the enquiry one Senior Branch Manager was examined as Management witness Sri M. B. Rajanarasimham, Enquiry Officer, Sri C. Subramanyam both are of the same rank. The Enquiry Officer should be higher in the rank than the witness. Therefore the entire proceedings are violative of the principles of natural justice. That he has also represented to the bank that he is experienced in cash duties as he was working in administration since 20 years and therefore, he may be exempted from performing the cash duties. That the delinquent employee had submitted an application for voluntary retirement on 10-9-98 and again on 24-8-2000 but the same was rejected. Hence, he may be taken back into service.

3. A counter was filed. It is a matter of record that the Petitioner has joined the services of the bank on 20-9-76 as a clerk. That he was issued with a charge sheet with three charges. He did not account for excess of

Rs. 7000 while working as a cashier. He discounted a cheque without maintaining sufficient balance which resulted in the dishonour of the cheque. He stood as a guarantor to loan and as his salary was attached he had tarnished the image of the bank in the eyes of the public. That the enquiry is validly conducted. That Management witness was cross examined by the defence representative which is a matter of record. That the party has correctly mentioned the notes. Only in the calculation they have committed a mistake, that whether the denominations are correctly noted and it has been checked by the Petitioner. That Rs. 7000 excess amount should have been found with him on 28-7-2000 but it was not there. That when he was asked on 28-7-2000 he reimbursed the amount on 1-8-2000 when he was confronted with the documents. Hence, the claim may be dismissed.

4. Arguments were heard on the validity of domestic enquiry and this Court by its detailed order on 9-6-2003 held that the domestic enquiry is validly conducted. Hence, arguments were advanced on the quantum of punishment under Sec. 11A.

5. It is argued by the Learned Counsel for the Petitioner that merely by wrong mentioning of the denomination by the customer does not mean that he has received the entire Rs. 90,100 when the total he is mentioning as Rs. 83,100, he received only Rs. 83,100 only but much weight was given by the bank to the customer. He submits that what is there except the word of the customer. Secondly the other two allegations even if alleged to be proved are not so serious as to warrant dismissal. I fully agree with him that the other two charges of standing as a surety and discounting a cheque are not such a serious offence as to warrant dismissal. Hence, I do not want to refer the entire arguments of the Learned Counsel on the other two aspects. The only aspect which appears to be grave is whether he has received Rs. 90,100 and credited only Rs. 83,100. If so, whether any lenience is required.

6. The Learned Counsel for the Petitioner further argued that in the enquiry the equivalent officer to that of Enquiry Officer is examined as a witness which is not correct. As per the Judgement of the Hon'ble High Court of A.P. reported in 1990 (II) LLJ page 23 in M.L.L. Kumar Vs. The Divisional Manager, A.P.S.R.T.C., Cuddapah and Another, that to avoid bias, superior officer must be appointed as Enquiry Officer as Management witness. That the delinquent officer forced to pay Rs. 7000 on 31-7-2000 and the said amount was received without any demur and the charge sheet was issued on 18-9-2000 for the amount so received. That during the cross examination of MW1 a question was put to MW1, it was brought to light that the representative of M/s Laxmi Tyres Agencies was preparing cash slips and used to commit mistakes in denominations very often but MW1 gave elusive reply but he is not responsible for handling cash vouchers but did not deny the question put by the delinquent employee. That Ex. M2 was confronted that there was alteration of denomination of Rs. 50 prepared by M/s. Laxmi Tyres Agency and MW1 has admitted the same. That his evidence is not challenged. The Judgement on which he relied states that when the person who have the complaint and the

person who gave the complaint against him is the officer immediately superior to him, the enquiry should not have been conducted by the Enquiry Officer who was Subordinate to the complainant himself, and particularly when the superior officer is also a witness in the case. Further he relied on 2000 Supreme Court cases (L&S) page 830 by a full Bench of the Hon'ble Supreme Court of India, wherein it was held that, "where a bank employee was dismissed from service on account of his admitted misconduct of withdrawal of money unauthorisedly from customer's account-Industrial Tribunal ordered reinstatement. The award of the Tribunal was modified by inserting an additional condition, that the employee would not get any increment for ten years with cumulative effect" He therefore prays that he may be reinstated.

7. It is argued by the Learned Counsel for the Respondent that here the witness and the Enquiry Officer are of the same rank and the Enquiry Officer is not Subordinate to the Petitioner. Therefore, no bias is caused to the Petitioner in the enquiry.

8. It may be seen that in view of the Supreme Court Judgement cited above where he was reinstated into service and increments for 10 years with cumulative effect, as this is a question of Rs. 7000 and there is some doubt atleast one per cent that the party may also be responsible and as he has put in service from 20-9-76 and was dismissed on 30-1-2001, that means he has put in 24 years 3 months service. I think seeing the circumstances of the case the ends of justice will be met if the bank is directed while confirming the orders of dismissal the bank is directed to pay 12 months gross wages last drawn by him to be multiplied by the salary for the month of December, 2000. Hence, the reference is ordered as follows : The action of the Management of Syndicate Bank, Hyderabad in dismissing the services of Shri M. V. Raja Rao, Clerk, Chaitanyapuri, Hyderabad is directed to be paid 12 months wages multiplied by his last drawn salary in December, 2000 as he has worked for 24 and odd years within 30 days from the publication of this award failing which he will be entitled to simple interest at 6% p.a. until he receive the amount.

Award passed accordingly. Transmit.

Dictated to Kam. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner :

NIL

Witnesses examined for
the Respondent :

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2004

का.आ. 1548—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद (संदर्भ संख्या 100/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल०-12012/384/96-आई० आर० (बी-II)]

सी० गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S. O. 1548.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. (100/97) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12012/384/96-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-NO. 2 AT DHANBAD

PRESENT:

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial dispute under Section
10 (1) (d) of the I.D. Act, 1947

REFERENCE NO 100/1997

Parties : Employers in relation to the management
of Bank of India, Ramgarh Cantt. Branch
and their workman.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee, Advocate

On behalf of the employers : Mr. D. K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 17th May, 2004

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L. 12012/384/96/IR (B-II), dated, 5-9-1997.

SCHEDULE

“Whether the action of the management of Bank of India, Ramgarh, Cantt. Branch, in dismissing Sh.

Md. Akhtar Hussain from the services of the Bank w.e.f. 17-11-1995? If Not, to what relief the workman is entitled?”

2. The case of the concerned workman according to written statement submitted by him is as follows :—

The concerned workman submitted that the management with malafide intention to dismiss him and to terrorise other employees suspended him from service with effect from 12-7-94 without assigning any reason. he alleged that to justify the said illegal action of suspension management issued a false and frivolous charge sheet to on 17-11-1994 to which he submitted his reply denying all the charges brought against him. He alleged further that the management without accepting his reply decided to hold domestic enquiry against him and accordingly appointed enquiry officer who in violation of the mandatory principles of natural justice and in violation of the settled law of the land conducted the said domestic enquiry against him. He submitted that for the alleged allegation as levelled in the charge-sheet no criminal case was lodged by the management which *ipso facto* proved that the allegation levelled in the charge-sheet were *prima facie* illegal and had no existence. He alleged that in the said invalid and irregular domestic enquiry the management witnesses were not allowed to adduce their evidence freely. Even the Enquiry officer did not consider necessary to examine the complainant and even did not consider necessary to verify the original documents, the copies of which were placed before him. Even no opinion of the handwriting expert was obtained in respect of the same handwriting and signature appearing on certain documents. he alleged that on the basis of illegal and arbitrary findings of the enquiry officer management dismissed him from his service with effect from 17-11-95 illegally, arbitrarily and violating the principle of natural justice. He disclosed that after the order of dismissal he submitted several representations and made appeals to the higher authority to reconsider the order of illegal dismissal from service but to no effect and for which he raised industrial dispute before the ALC (C) Hazaribagh for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly he submitted prayer to pass award in his favour with a direction to the management to reinstate him in service with full back wages and other consequential benefits.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement. They submitted that the concerned workman was posted at Ramgarh Cantonment Branch of Bank of India as special assistant carrying on the duties of cash cum accounts clerk in the year 1994. They submitted that one customer of the Bank viz. Md. Ataul Haque having savings Bank A/c. No. 6696 lodged a complaint to the Manager of the Bank in the month of June, 1994 to the

effect that a sum of 15000/- had been withdrawn from his S.B. A/c No. 6696 by exercising fraud upon him and he requested for getting the matter examined. On examination it revealed that the concerned workman issued a cheque book containing leaves bearing No. 93781 to 93790 in the captioned account of Md. Ataul Haque without obtaining the requisition slip from him against his account. He used the first leaf of the cheque book viz. 93781 and handed over the same to one of his relatives viz. Mustaq Ahmed for doing the needful in that regard. It was observed that the said leaf bearing Cheque No. 93781 was purported to have been issued to Sri Mustaq Ahmed who collected the aforesaid amount by depositing the same in his own S.B. A/c No. 5829 with Central Bank of India on 6-4-94. The said cheque was cancelled by the concerned workman when the amount was collected by the Central Bank of India. The signature of the drawer on the said cheque considerably differed when compared with Ataul Haque's specimen signature appearing in the Bank's record. After proper verification of the matters relating to the issue involved, the competent authority considered the conduct of the concerned workman is highly prejudicial to the interest of the Bank and accordingly he was placed under suspension w.e.f. 20-6-1994.

They alleged that the concerned workman committed another case of fraud by adopting similar procedure referred to above in respect of the S.B. A/c. No. 7463 of another customer Md. Tahseem (minor) S/o. Md. Ataul Haque. He issued a Cheque Book containing leaves bearing Nos. from 948851 to 948875 in the captioned account of Md. Tahseem without obtaining requisition slip from the account holder. He handed over the cheque bearing No. 948851 for Rs. 10,000/- to Mustaq Ahmed who collected the said amount through his S.B. A/c. No. 5829 with the Central Bank of India, Ramgarh Cantonment Branch. In the same fashion the concerned issued two other cheques leaves from the aforesaid cheque book and withdrew Rs. 10,000/- and Rs. 650/- though Cheque Nos. 948855 dt. 11-1-93 and 948856 dt. 10-3-93 respectively and directly obtained the proceeds of the cheques in two occasions by signing on the reverse of the cheque leaves. The account holder had neither applied for the said cheque book nor had issued the above mentioned cheques on any occasion.

They submitted that while the concerned workman was posted at Hunterganj Branch, he permitted withdrawal of Rs. 10,000/- from S.B. A/c. No. 3611 of Md. Shariff to a Third party by means of withdrawal slip without accompanied by the pass book violating the Rules of the Bank on 25-6-87. He repeated the same thing by permitting withdrawal of Rs. 12,000/- by a third party with the help of withdrawal slip without any supporting pass book on 16-10-87 from S.B. A/c. No. 3611 of Md. Shariff.

They alleged that on 8-8-87 he prepared a set of transfer voucher of Rs. 3000/- from S.B. A/c. No. 3611 of

Md. Shariff to S.B. A/c. No. 197 of Md. Tahir Husain son of the Account holder on the authority of a purported letter bearing purported signature of the account holder Md. Shariff. It was observed that the authority letter was neither signed by the account holder nor he was authorised for that transfer entry. The account holder denied having signed the said authority letter and the signature appearing on the said letter when compared with the specimen signature it was observed that the signature appearing in the purported authority letter did not tally with the specimen signature. Thus the concerned workman allowed the transfer entries from the above Account No. 3611 of account holder named Md. Shariff. They submitted that various other irregularities committing by the concerned workman were also detected which he was costed at Hunterganj Branch and Ramgarh Cantonment Branch. Accordingly after detecting serious cases of fraud, dishonesty and gross negligence of duties he was issued a chargesheet dt. 17-11-94 for committing misconduct under clause 19.5 (j) of first bipartite settlement dt. 19-11-66.

They disclosed that concerned workman in response to the said chargesheet issued to him submitted his reply but as it was not satisfactory competent authority appointed Sri. N. Padhi as Enquiry Officer conduct departmental enquiry against him. They submitted that full opportunity was given to the concerned workman to defend his case. They further submitted that the enquiry officer conducted domestic enquiry, fairly, properly and in accordance with the principles of natural justice and submitted his report holding the concerned workman guilty to the charges brought against him. They further submitted that not only relevant paper relating to the domestic enquiry proceedings but also enquiry report were handed over to the concerned workman to make his submission if any on the proposed penalty and on the findings of the enquiry officer. The disciplinary authority after hearing the concerned workman as well as his representations and after examining all relevant papers came to the condition that it was a fit case for dismissal and accordingly he was dismissed from service vide order of dismissal dt. 17-11-95.

They submitted that the Disciplinary Authority did neither committed any illegality nor took any arbitrary decision violating the principles of natural justice in dismissing the concerned workman from his service and for which he is not entitled to get any relief.

4. POINTS TO BE DECIDED

"Whether the action of the management of Bank of India, Ramgarh Cantt Branch, in dismissing Sh. Md. Akhtar Hussain from the services of the Bank w.e.f. 17-11-95? If not, to what relief the workman is entitled?"

FINDING WITH REASONS

In the instant case before taking up hearing on merit it was taken into consideration as preliminary issue if

domestic enquiry held against the concerned workman by the management was fair, proper and in accordance with the principle of natural justice. From order No. 39 dt. 28-11-02 it transpires that the said preliminary issue was disposed of to the effect that domestic enquiry held against the concerned workman by the management was fair, proper and in accordance with the principle of natural justice. Now the point for consideration is if the management have been able to substantiate the charge brought against the concerned workman and if so whether the concerned workman is entitled to get any relief U/s. 11A of the I.D. Act over punishment imposed on him by the management. It transpires from the record that management have brought three fold charges against the concerned workman for committing misconduct under clause 19.5(j) of first Bipartite settlement dt. 19-11-66. During hearing the chargesheet issued to the concerned workman by the management was marked as Ext. M-2. The charges brought against the concerned workman is as follows :—

“During your tenure at Bank’s Hunterganj Branch you permitted withdrawals to a third party in S/B A/c. No. 3611 of Md. Shariff in contravention of the Banking norms and unauthorisedly allowed transfer entries from the above account of the account holder.

- (a) On 25-6-87 you permitted a withdrawal of Rs. 10,000/- from S/B A/c. No. 3611 of Md. Shariff to a third party by means of a withdrawal slip, without accompanied by the pass book, violating the rules of the bank.
- (b) On 16-10-87 you permitted a withdrawal of Rs. 12,000/- from the same S/B A/c. No. 3611 of Md. Shariff to a third party by means of a withdrawal slip without any supporting pass book, violating the rules of the Bank.
- (c) On 8-8-1987 you prepared a set of transfer voucher of Rs. 3,000/- from S/B A/c. No. 3611 of Md. Shariff to S/B A/c No. 197 of Md. Tahir Hussain, son of the account holder. The above transfer transactions were allowed by you on the strength of a letter of authority purportedly signed by the account holder Md. Shariff. Subsequently it was reported that the same authority letter was neither signed by the account holder nor were you authorised for that transfer entry transfer entry transaction. The account holder had subsequently denied having signed the said authority letter and signature there on the said authority letter bear certain variations when compared with specimen signature of the account holder. Thus unauthorisedly allowed transfer entries from the above account No. 3611 of the account holder.

II. During your tenure at Banks Ramgarh Cantt. Branch on 16-2-1994 you deposited a cheque bearing No. 046539 dated 16-2-1994 of United Bank of India, Ramgarh, Cantt. Branch for Rs. 16,616.70 in the S/B Joint Account of

your wife and children (S/B A/c. No. 7798). The cheque was sent for collection through clearing house. However, on the same day i.e. on 16-2-1994 you posted a withdrawal slip for Rs. 15,000/- in the same account and allowed withdrawal from the same Joint Account without the permission of the Manager. As per normal rules and practice, bank does not allow any withdrawal against clearing cheque on the same day without the specific permission of the Manager. Thus you exceeded your authority and extended undue accommodation to you wife in the matter of effecting withdrawal from her account against the clearing cheque on same day it is deposited and sent for collection and violated the norms and practices of Bank.

III. During your tenure at Bank’s Ramgarh Cantt. Branch, you have entered into fraudulent transactions and have withdrawn money unauthorisedly from the Customer’s account on different occasions dishonestly, in the following manner :—

(i) S/B A/c No. 6698 of Md. Ataul Haque :

You issued a cheque book containing leaves bearing Nos. from 93781 to 93790 in the captioned account of Md. Ataul Haque without obtaining the requisition slip from the account holder Shri Haque. Thereafter, you used the first leaf of the cheque Book i.e. Cheque No. 93781 and handed over the same to one of your relatives Mustaq Ahmad who in turn collected the above fraudulent amount of Rs. 15,000/- through his S/B Account No. 5829 with Central Bank of India on 6-4-1994. The above cheque was cancelled by you, when it came for collection from Central Bank of India. The signature of the drawer on the said cheque considerably differs when compared with Ataul Haques specimen signature appearing on Bank’s records. Thus you involved yourself in fraudulent transaction and defrauded Bank’s account holder Shri Ataul Haque.

(ii) S/B A/c. No. 7463 of Md. Tahseem (Minor) S/o. Md. Ataul Haque :

You issued a cheque Book containing leaves bearing Nos. from 948851 to 948875 in the captioned account of Md. Tahseem without obtaining the requisition slip from the account holder. You handed over a cheque No. 948851 for Rs. 10,000/- fraudulently drawn on the above account to your relative Mustaq Ahmad who in turn collected the cheque through his S/B A/c. No. 5829 with Central Bank of India, Ramgarh Cantt Branch and the date of withdrawal was 24-8-1992. Similarly you have used two other cheques leaves from the above cheque Book fraudulently issued, and you have withdrawn Rs. 10,000/- through cheque No. 948855 dated 11-1-98 and Rs. 650/- through Cheque No. 948856 dt. 10-3-93 and directly obtained the proceeds of

the cheques in two occasions by signing on the reverse of the cheque leaves. The account holder had neither applied for the cheque Book nor had issued the above stated three cheques as referred above, on any occasion. Thus you have entered into fraudulent transactions in connivance with outsiders i.e. your relatives and withdrawn money from the Bank's customer's accounts dishonestly in utter disregard to the norms of the Bank."

It transpires from the record that in course of hearing of the domestic enquiry proceeding the delinquent workman not only participated but also full opportunity was given to him to defend his case. It further transpires that after completion of hearing of the domestic enquiry proceeding enquiry officer submitted his report to the competent authority which during hearing was marked as Ext. M-19. Considering the enquiry report it transpires that management have not been able to substantiate charges Nos. 1 (a), 1 (b) and charge No. 2 while charge No. 1(c) and Charge No. 3 have well been established against the concerned workman i.e. the delinquent.

The finding of the Enquiry officer in respect of charge No. 1 (c) and Charge No. 3 are as follows :—

- | | |
|------------------|--|
| Charge No. 1 (c) | Unauthorisedly allowing and preparing a set of transfer vouchers—Proved. |
| Charge No. 3 | Entered into fraudulent transactions and have withdrawn money unauthorisedly from the customer's account dishonestly—Proved. |

It transpires that the Enquiry Officer relied on the evidence of MW-3 Mr. R.R. Tiwari who was Manager, Hunterganj Branch and also documents marked as Ext. ME-16, ME-17 (i) and (ii), ME 18(I), 18(II), ME-30, (ME-19), ME-20, ME-22 to arrive into his finding about establishment of charge 1(c) against the concerned workman.

ME-30 is a complaint received by the Management Md. Shariff who was an account holder at Hunterganj Branch of Bank of India.

ME-16 is an account opening card of S.B. A/c No. 3611 of Md. Shariff and the account was introduced by Md. Taheer Hussain A/c. No. 197.

ME-17 (I) is a withdrawal slip of S.B. A/c. No. 3611 of Hunterganj branch.

ME-17 (II) is an application submitted by Md. Shariff A/c. No. 3611 stating therein to make payment of Rs. 10,000/- to his son Md. Taheer Hussain.

ME-18 (I) is a withdrawal slip of Hunterganj branch S/B A/c. No. 3611 drawn by Md. Shariff.

ME-18 (II) is an application submitted by Md. Shariff to make payment without pass book and the application was also signed by Md. Jaheer.

ME-19, M-20 and M-22 are transfer set of plain voucher in which S/B A/c. No. 3611 of Md. Shariff was debited and S/B Account No. 197 of Md. Jaheer Hussain was credited. The voucher was passed by the concerned workman on the strength of an application alleged to be given by Md. Shariff and verified by Md. Akhtar Hussain. It was observed that signature of Md. Shariff appearing in the said application did not tally with the specimen signature appearing on account opening card.

It is the specific allegation of the management that the concerned workman while posted at Hunterganj branch permitted withdrawal of Rs. 10,000/- from S.B. A/c. No. 3611 of Md. Shariff and a third party by means of withdrawal slip without accompanied by Pass book on 25-6-87. He repeated the same thing and in the same fashion he permitted withdrawal of Rs. 12000/- by a third party from the same account on 16-10-87. Again on 8-8-87 he prepared a set of transfer voucher of Rs. 3000/- from S. B. A/c. No. 3611 of Md. Shariff to S.B. A/c. No. 197 of Md. Jahir Hussain son of the account holder on the authority of purported letter bearing purported signature of the account holder i.e. Md. Shariff.

During hearing in course of domestic proceeding all papers relating to the transactions were produced by the management before the Enquiry Officer. It is the specific allegation of the management that the concerned workman exceeding his jurisdiction indulged such illegal transaction participating himself actively. They further alleged that neither the authority letter was signed by the account holder nor he was authorised for that transfer order.

MW-3 during his giving statement before the Enquiry officer disclosed that the concerned workman in the capacity of special Assistant allowed payment of Rs. 10,000/- to third party Md. Jaheer Hussain without pass book. Again on the basis of transfer set of plain voucher another amount was credited in S.B. A/c. No. 197 after debiting from A/c. No. 3611 of Md. Shariff. The said transaction was made at the intervention of the concerned workman on the basis of alleged application submitted by Md. Shariff. This witness disclosed that during enquiry it revealed that the signature appearing in the said application in the name of Md. Shariff did not tally with the specimen signature appearing on account opening card. He further disclosed that third party payments without can only be made with the prior approval of the Manager. Concerned workman being special Assistant was not empowered to pass such payment. It is seen that the concerned workman through his representative cross-examined MW-3 but from the cross-examination I have failed to find out any material point rebutting the claim of MW-3 in this regard. Even during evidence of the defence the concerned workman have failed to produce any incriminating material relying on which there is scope to draw conclusion that he acted properly in passing the payment order on the basis of withdrawal slip

and voucher without verifying the Pass Book of the account holder.

The concerned workman in course of hearing agitated the signature of Md. Sharif appearing in the application was not examined by the hand writing expert and for evidence of MW-3 in this regard cannot be accepted. He further disclosed that there was scope to examine Md. Sharif with a view to verify his signature appearing in the application. The enquiry officer in his finding observed that as a prudent banker comparison of signature with old records is very much necessary in every day to day transaction and accordingly he did not disbelieved the finding of MW-3 in the matter of difference in signature of Md. Sharif appearing on the applications and on account opening card. As Banker an officer very often requires to verify the signature of the customer before passing any cheque or withdrawal slip meant for payment. Opinion of hand writing expert has not yet been accepted as scientific proof. Therefore, as the management have failed to send the admitted and disputed signature of Md. Sharif to hand writing Expert there is no reason to believe that opinion of MW-3 who is an experienced banker and who is very much habituated to verify the signature of the customers every day should be disbelieved. In the circumstances I do not find any reason to disbelieve the opinion of MW-3 being an experienced banker in the matter of difference of signature of Md. Sharif appearing in the application. The presenting officer during examination of MW-3 clearly explained why the presence of the writer of the application was not required. The explanation given by the presenting officer appears to be cogent and for which I hold that management did not commit any illegality on calling the writer to verify his signature.

I have carefully considered all the materials on record including findings of the Enquiry Officer and I hold that the concerned workman with ulterior motive passed the withdrawal slip and voucher for payment without verifying the pass book and also without obtaining prior approval of the Bank Manager. I, therefore, hold that the charge No. 1 (1) has been established against the concerned workman.

Now let consider how far the management have been able to establish charge No. 3 brought against the concerned workman.

It is the specific allegation of the management that without requisition slip the concerned workman issued a cheque book containing leaves bearing No. 93781 to 93790 in the captioned account (S.B. A/c. No. 6696) of Ataul Haque and thereafter he used the first leaf of that cheque book viz. 93781 and handed over the same to one of his relation Mustaq Ahmed who in turn collected Rs. 15,000/- through his S.B. A/c. No. 5829 on 6-4-94 with Central Bank of India by exercising fraud. Concerned workman cancelled that cheque when it came for collection from Central Bank of India. It has been disclosed further by the management that signature of the drawer of the said cheque was quite

different when it was compared with Ataul Haque's specimen signature appearing on Bank's record. Again the concerned workman issued another cheque book containing leaves bearing Nos. from 948851 to 948875 in the captioned account (S.B. A/c. No. 7463) of Md. Tahseen without obtaining any requisition slip. Thereafter he handed over cheque No. 948851 for Rs. 10,000/- to one of his relative Mustaq Ahmed who in turn collected the cheque through his S.B. A/c. No. 5829 with Central Bank of India, Ramgarh Cantonment Branch and the date of withdrawal was 24-8-92. Similarly by using two other cheques leaves bearing No. 948855 dt. 11-1-93 and cheque No. 948856 dt. 10-3-93 the concerned workman withdrew Rs. 10,000/- and Rs. 650/- respectively putting his signature on the reverse. It has been alleged by the management that neither the account holder applied for the cheque book nor they issued those three cheques for withdrawal of amount. They alleged that the concerned workman entering into fraudulent transaction with outsider withdrew the said amount from customers accounts dishonestly in utter disregard to the norms of the Bank.

According to the management concerned workman took the plea that at the request of the account holder he issued the two cheque book mentioned above without any malafide intention to defraud them. He further disclosed that out of our withdrawals two payments were received by the account holder in cash and two payments were made to Mustaq Ahmed by the account holder in connection with business transaction. The concerned workman also took the plea that Branch Manager D.B. Mondal forced the concerned workman to sign on the back side of two cheques viz. 948855 and 948856 amounting to Rs. 10,000 and Rs. 650/- respectively to establish that he was the recipient of the said payments.

Considering all enquiry papers, evidence of MW-1 and MW-2 and defence taken by the concerned workman I find no dispute to hold that the concerned workman without any requisition slip or application issued two cheque books containing leaves bearing Nos. 93781 to 93790 of S.B. A/c. No. 6696 stands in the name of Ataul Haque and containing leaves bearing 948851 to 948875 of S.B. A/c. No. 7463 stands in the name of Md. Tahseen (minor) MW-2 during his evidence disclosed that Ataul Haque S.B. A/c. No. 6696 lodged complaint in writing (ME-8) and ME 14(i) that he never requested any person to issue of cheque book his favour and in favour of his minor son who had been represented by him as natural guardian as he was in possession of charge book bearing leaves Nos. 946676 to 946700. He further alleged that cheque book issued already without requisition slip were never handed over to him. He also denied the fact of withdrawal of any amount by four cheques as mentioned above under his signatures. Accordingly, he claimed the amount in question which were withdrawn fraudulently from the said two accounts and requested the Bank to stop payment though the alleged cheques already used. On receipt of the said

complaint stop payment order was issued. During verification it further transpired that signature appearing in the cheques did not tally with the recorded signature of the account holder i.e. Ataul Haque.

It is the contention of the management that the signature appearing on those cheques were forged and payment also was not received by him. The concerned workman examined Ataul Haque as defence witness (AW-3) I have carefully considered his evidence and it transpired clearly that he made serious contradictory statements to save the delinquent. In spite of making such contradictory statement he could not deny the complaint lodged by him. He also could not claim that the signature appearing in the cheques were of his own. Complainant Ataul Haque admitted that he had with his cheque book in his possession. He knows it very well that without requisition slip no fresh cheque book could be issued from the Bank. It is clear that two separate cheque books were issued by the concerned workman. It is further seen that by two cheques viz. Cheque No. 948855 dt. 11-1-97 and cheque No. 948856 dt. 10-3-93 the concerned workman withdraw a sum of Rs. 10,000/- and Rs. 650/- respectively by putting his signature on the reverse side. No evidence is for the coming that Ataul Haque issued the said two cheques in favour of the concerned workman authorising him to withdraw the amount in question. Moreover, signature appearing in the said two cheques in the name of the account holder did not tally with the admitted signature of the account holder kept in the Bank.

It is fact that Ataul Haque submitted withdrawal petition in relation to complaint lodged by him earlier but during his examination he failed to read the withdrawal letter supposed to have been written by him as he does not know English. Therefore, if this aspect is taken into consideration alongwith other facts which he disclosed during his evidence it will expose clearly that he took an attempt to shield the concerned workman by making contradictory and false statement. After careful consideration of all the facts and circumstances there is sufficient reason to believe that the concerned workman to defraud the account holder not only withdrew two cheque books but also used four leaves of the said two cheque books for withdrawal of the amount in question. Record shows clearly that sufficient opportunity was given to the concerned workman to disprove the allegation in question but failed lamentably. The enquiry officer in his report made a detail discussion relying on the evidence of both sides how he came to conclusion about role of the concerned workman to defraud the account holder and thereby made a stigma in the reputation of the Bank in carrying on their service. I, therefore, hold that management have been able to substantiate the charge No. 3 brought against the concerned workman.

It is seen that competent authority after considering the enquiry report and also all other materials on record

dismissed the concerned workman from his service for committing misconduct under clause 19.5(j) of the first bipartite settlement date 19-11-66.

Now the point for consideration is if the concerned workman is entitled to get any relief under Sec. 11A of the I.D. Act. Sec. 11A of the I.D. Act speaks as follows :—

“Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and in the course of the adjudication proceedings the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any as it thinks fit, or given such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require.”

Therefore, before invoking the provision of Sec. 11A of the I.D. Act it is to be taken into consideration if the order of dismissal issued by the competent authority was justified or not.

I have already discussed above in details the offence committed by the concerned workman. It is to be borne into mind that the concerned workman was attached to an organisation where it is expected that the staff will discharge their duties with all integrity as the reputation of the said organisation depends on absolute diligence and faithfulness of the staff. Here in the instant case the role of the concerned workman was absolutely detrimental to the reputation of the organisation where he was attached to. The offence which he committed was absolutely serious in nature and in no circumstances it would be possible for the Bank to entrust any job of public dealing keeping faith on him. I, therefore, find no reason to reconsider the punishment imposed on him by the management invoking Section 11A of the I.D. Act.

In the result, the following Award is rendered :—

“The action of the management of Bank of India, Ramgarh, Cantt. Branch in dismissing Sh. Md. Akhtar Hussain from the services of the Bank w.e.f. 17-11-95 is justified. Consequently the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 9 जून, 2004

का.आ. 1549—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बरोदा, के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच,

1883 G1/04-23

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 86/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल०-12012/75/2003-आई० आर० (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S. O. 1549.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 8-6-2004.

[No. L-12012/75/2003-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. ISMAIL, B.Sc, LL.B.,
Presiding Officer

Dated the 25th day of March, 2004

INDUSTRIAL DISPUTE No. 86/2003

BETWEEN:

Sri Vasa Nageswara Rao, ...Petitioner
Vempadu (Village),
Vempadi (Panchayat),
Kolla Mandalam,
West Godavari (A.P.)

AND

The Branch Manager,
Bank of Baroda,
Bhimavaram Branch,
Bhimavaram,
West Godavari (A.P.) ... Respondent

APPEARANCES:

For the Petitioner : M/s C. Damodar Reddy & G. Raj
Kumar, Advocates

For the Respondent : M/s K. Srinivasa Murthy, C. Vijay
Shekhar Reddy & S. Vijay
Venkatesh, Advocates

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/75/2003-IR(B.II) dated 31-7-2003 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between

the management of Bank of Baroda and their workman.
The reference is,

SCHEDULE

"Whether the action of the management of Bank of Baroda, Regional Office (A.P.), Hyderabad in terminating the services of Sri Vasa Nageswara Rao, Ex. Casual Sub-staff (Attender) of Bank of Baroda, Bhimavaram Branch (West Godavari District) w.e.f. 22-3-2001 on the grounds of submitting false documents is legal and justified? If not, what relief the workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 86/2003 and notices were issued to the parties.

2. In spite of several adjournments given from 24-11-2003 for filing of claim statement and documents for seven adjournments including 25-3-2004 the petitioner has not turned-out with claim statement and documents. In spite of number of adjournments the petitioner has failed to produce any evidence in support of his claim. There is nothing on record to support the case of the Petitioner. Therefore, the reference is ordered against the petitioner and it is held that the petitioner is not entitled for any relief.

Accordingly a 'Nil' Award is passed, Transmit.

Dictated to Ku. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 25th day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2004

का.आ. 1550.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापत्तनम डॉक लेबर बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 29/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-6-2004 को प्राप्त हुआ था।

[सं. एल०-34025/2/2004-आई० आर० (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th June, 2004

S. O. 1550.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2002) of the Central Government Industrial Tribunal-

cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Visakhapatnam Dock Labour Board and their workman, which was received by the Central Government on 8-6-2004.

[No. L-34023/2/2004-IR(C-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

PRESENT:

Shri E. Ismail, B.Sc., LL.B.,
Presiding Officer

Dated the 22nd day of March, 2004

INDUSTRIAL DISPUTE L.C.I.D. No. 29/2002

(Old I.D. No. 4/2001 Transferred from Industrial Tribunal
cum Labour Court, Visakhapatnam)

BETWEEN:

Sri Kari Polayya,
R/o D.No.40.52.37,
Sanjeevanagar Colony,
Kailasapuram Road,
Visakhapatnam - 530024.

AND

The Deputy Chairman,
The Visakhapatnam Dock Labour Board,
Dock Labour Board,
Visakhapatnam - 530035.

APPEARANCES:

For the Petitioner : Sri K. Balakrishna, Advocate
For the Respondent : Sri D. V. Subba Rao, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, 1947 by the Industrial Tribunal cum Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri. U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 4/2001 and renumbered in this Court as L.C.I.D. No. 29/2002.

2. The brief averments as stated in the petition are: That the Petitioner's father was a D.L.B. Visakhapatnam worker bearing No. 8512 and retired from service on medical grounds on 25-2-69 and subsequently died on 29-3-77. He left behind two daughters and the workman. Among the two daughters one died and one was married to Sri M. Laxman Rao, resident of Visakhapatnam and they are living separately. Therefore, the only one left is the Petitioner K.

Pullaiah. Hence, the mother of the Petitioner made a representation on 21-11-85 urging the Management to provide an employment to their son namely the Petitioner on compassionate grounds. As it was not registered she made another representation dated 26-6-92 the same was registered vide resolution No. V.D.L.B. 349/92 and the Petitioner was appointed w.e.f. 7-10-92 as casual worker bearing No. 6611 in the registered scheme of the D.L.B., Visakhapatnam workers and continued as such.

3. Subsequently, an en masse investigation was taken up by the Management over the recruitments made in 1992 on the issue that some of the workers have been joined in service by personating themselves as the Sons of the D.L.B., Visakhapatnam workers who were either voluntarily retired or retired on medical grounds and obtained appointments on compassionate grounds.

4. A committee was appointed to investigate into the appointments headed by Sri Venkat Rao, Former Deputy Chairman, Dock Labour Board, Visakhapatnam. The committee hurriedly made enquiries and submitted their report. The workman was one among the persons against whom report was submitted. The committee on coercion obtained some individual statements and submitted its reports. The Management on the strength of the unilateral report arbitrarily issued orders disengaging the Petitioner vide orders of Secretary, Dock Labour Board, Visakhapatnam No. E/R/94/235 dated 16-6-1994 which was communicated vide letter No. URSA/PF/94/152 dated 17-6-94.

5. As the services have been arbitrarily terminated the workman preferred a Writ Petition No. 30956/94 on the file of the Hon'ble High Court of Andhra Pradesh which has been placed to order in W.P. No. 13300 of 1994 directing the Management herein to continue the workman in service and placed to suspend the operation of the order dated 17-6-94. Thereupon the Management reinstated him and another enquiry was conducted. Sri A. Thana Rao, Accounts Officer being the Inquiring Authority vide order No. P1/95/3246 dated 16-3-95 in utter disregard of the principles of natural justice. The enquiry was held treating aside the evidence on record and held that the workman is an impersonator and submitted a report dated 27-10-97. The workman submitted his explanation dated 29-11-97 pointing out the infirmities of the enquiry and the appreciation of evidence on record. The officer in-charge of the Management had also endorsed to have received the same. Again he was dismissed from service from 1-4-98 by an authority in competent to issue the same. The same was served on the workman on 4-4-98. Meanwhile the mother of the Petitioner also died on 13-11-97. He also requested vide a letter dated 21-10-99 to get it verified through the Mandal Revenue Officer (M.R.O.), Visakhapatnam. The M.R.O., submitted a report to the Management. The Management further directed the workman to appear before the Director, Center for D.N.A. Finger Printing and Diagnostics, Hyderabad vide letter dated 14-6-2000. The workman attended the same. There upon the Director observed that without parents the test is not possible.

That he made another representation on 12-8-2000. For reconsideration which was not reconsidered and ultimately rejected on 3-11-2000. Hence he may be directed to be reinstated with all consequential benefits.

6. A counter was filed stating that 225 children of the deceased/medically invalidated workers/employees were appointed as casual workers during the year 1992 on compassionate grounds including the workman. Since there were complaints on the recruitment on 1992 casual appointments the Chairman of the Management appointed a committee consisting of three members viz., Sri. J. Venkat Rao, Committee found that 33 workers were impersonated and Petitioner is one such worker. Accordingly, the Petitioner approached the Hon'ble High Court. Finally the writ was disposed off by the Hon'ble High Court with a direction to conduct fresh enquiry according to law. Accordingly, a show cause notice dated 17-2-95 was issued to the workman for his explanation as to why he should not be removed from service. He submitted his explanation on 22-8-95, which was found unsatisfactory. Hence, a detailed enquiry was conducted and principles of natural justice was also followed during the course of enquiry. Enquiry Officer had submitted a report. Since the Board-in-meeting is the authority to take a decision under clause 16(3) of the Visakhapatnam Unregistered Dock Workers (Regulations of Employment) Scheme 1968 the matter has been placed before the Board-in-meeting held on 13-12-97 for taking a decision along with all relevant material papers. The Board after carefully considering the enquiry report and the explanation submitted by the workman resolved to remove the workman from the list of Unregistered Scheme and he was removed w.e.f. 1-4-98. The allegation that the authority is not vested with powers is not correct. The allegation that the mother has passed away is not known to the Management. That he submitted letter to enquire into the bonafides through M.R.O. Visakhapatnam, M.R.O., in his reply stated that the workman is the son of Late K. Ramulu. Again a letter was issued dated 14-6-2000 to the workman advising him to produce the necessary certificate to establish the relationship of workman with Sri. K. Ramulu, Ex. Worker, No. 8512 from the Director, Center for D.N.A. Finger Printing and Diagnostic, Hyderabad. In reply to that letter, it was informed to the Management that in the absence of parents of the workman, it is not possible to establish the paternity or biological relationship of the workman. Again on 12-8-2000 the workman submitted a letter requesting the Management to reinstate his services and the same was rejected on 12-8-2000 is not true. That the witness and documents examined during the course of the departmental enquiry and in the M.R.O. enquiry are different from each other. During the enquiry the charges framed against the workman are clearly proved. The workman has produced a false school certificate to the Board for getting employment which he has agreed during the course of the enquiring. The enquiry of the M.R.O. is not binding on the Management. It is at best a local enquiry without any legal sanctity. Hence, the petition may be dismissed.

7. The Learned Counsel for the Petitioner conceded that the enquiry is validly conducted and argued under Sec. 11A. He submits that it is very surprising that when the M.R.O. has conducted an enquiry who is the competent authority also to issue succession certificate how can the enquiry of the M.R.O. be brushed aside. In pursuant of the M.R.O. report the Management directed the workman to appear before the Director for test of DNA Finger Printing and Diagnostics, Hyderabad vide letter dated 14-6-2000. The workman attended the same. There upon the Director observed that without parents the test is not possible. He made another representation on 12-8-2000 which was rejected. Again the Management turned aside and simply say that they are not going to accept the findings of the M.R.O. and the official enquiry is something different. it is wrong. It is a different thing if it is a criminal case or some other case and if the delinquent employee is acquitted and in the domestic enquiry, he is held guilty but here it is a question of paternity for which the M.R.O. is more competent and in fact once acting upon the letter of the M.R.O. The was sent for DNA test which could not be done for technical reasons. Hence, he may be reinstated with back wages. More so, when he is appointed after his father retired on medical grounds on 25-2-69 and after number of representations he was appointed on 7-10-92 after a lapse of 21 years and then again their own order out of job through so called domestic enquiry. Hence, he may be reinstated.

8. It is argued by the Respondent that during the enquiry it is admitted by the Respondent himself that in his explanation to the show cause notice submitted on 24-11-97. He has admitted that he has not produced any evidence to prove himself as the son of K. Ramulu and states that it was for the Presenting Officer to produce evidence that he is not the son of K. Ramulu. Of course, he is a layman. He does not know that nobody would be able to prove except himself that he is not the son of so and so. The Management cannot prove that he is the son of so and so. That when an enquiry is conducted it was for him to lead any evidence to show that he is the son of so and so. He is banking upon the report of the M.R.O., where he is alleged to have examined neighbours and the maternal uncle, all those persons should have been examined. They have not been examined. So he has failed to prove that he is the son of Late K. Ramulu. Further, he has admitted that he has produced a false certificate on 5-12-95 for his original school certificate is missing. He has applied for a duplicate which also he is not able to produce. When it was verified with school authorities, no such certificate was issued. Hence, he submits that the Petitioner is not entitled for any relief.

9. It may be seen that no doubt there is M.R.O. report that the Petitioner is the son of so and so and also legal heir certificate dated 3-8-86 where this Petitioner was declared as legal heir but that is not a detailed enquiry. The detailed enquiry is which is dated 25-2-2000. But it may be seen that during the enquiry they have identified the photograph of Sri K. Polayya and even the sister says that

K. Polayya, her brother but the enquiry does not reveal that K. Polayya was in person before them, why was not he called to identify is not known. Further, he has filed certain photos along with the alleged deceased father to show that he is the son of Late K. Ramulu and K. Ramulu died on 13-11-97. This case has got a chequered history in the sense that the Petitioner was appointed on 7-10-92. That his father K. Ramulu retired from service on medical grounds on 25-2-69 and subsequently died on 29-3-77. That he left behind two daughters and the Petitioner and his mother. After the death of her husband his mother made a representation on 21-11-85 urging the Management to employ their son, the Petitioner. Again she made a representation on 26-6-92 and they appointed him. Subsequently, the Management has taken up investigation in 1992 on the issue of some of the workers who have joined by impersonation. A committee was appointed to investigate the issue. The committee hurriedly made enquiries and submitted reports. The workman was among them against whom reports were submitted. The committee obtained the requisite information and submitted report and he was dismissed on 17-6-94. Hence, he filed a writ No. 10956/94. The Hon'ble High Court of A. P. was pleased to suspend the order and he was reinstated. Thereafter a memorandum was issued that he was impersonated as the son of Late K. Ramulu, Ex. worker No. 8612. Further there is controversy as to educational qualification of the Petitioner and for the post of casual worker no educational qualifications are required. An enquiry was conducted to which he has submitted an explanation dated 24-11-97. The order was served on him on 4-4-98. He requested to get matter enquired by M. R. O. Visakhapatnam. The Management was pleased to refer the matter to the M.R.O. Visakhapatnam, who submitted the report to the said effect. He was asked to under go a DNA Finger Printing Test at Hyderabad and Director said that it cannot be done in the absence of his parents. That he has also obtained a original certificate. It may be seen that the succession certificate is obtained on 3-8-96 although his father said to have expired in 1977. What is the reason for such an abnormal delay of almost 20 years. Further he has not chosen to examine any witness before the Enquiry Officer. The report is dated 21-10-97. Subsequently for reasons best known to the Management they have referred the matter to M.R.O., who in 2000 opined that the Petitioner is the son of Late K. Ramulu. But there also when I go through the report of the M.R.O. I have noted that the Petitioner was not present personally and how I such an enquiry was conducted when he being not present and only his photograph being there. I am unable to understand whatever be the reason. The M. R. O. has given a report subsequent to the enquiry which was completed in 1997. So it is not as if the M. R. O. conducted the enquiry prior to the Departmental enquiry. Hence, the Management was bound by the report of the M. R. O. But I find it suffers from lack of information the main being the enquiry being conducted in the absence of the Petitioner himself and his photograph was shown that it is a strange thing. Somehow once the Management has

decided to refer the matter to M.R.O. subsequent to domestic enquiry that too almost after a gap of three years. They cannot now turn down and see that the report of the M.R.O. reports is of no consequence. In fact they ought to have acted on the report of the M.R.O. But now on scrutiny as I see that the report of the M. R. O. suffers from first glaring mistake that the petitioner himself was not present. Hence, I hold that a denovo enquiry by M.R.O. is necessary and the enquiry by M.R.O. is vitiated for the above glaring defect. The Management is directed to refer the matter to the M.R.O. within 30 days from the publication of this Award and the M.R.O. shall complete the enquiry within 3 months from the date of receipt of this Award and the Management shall abide by the report of the M.R.O. to be given on such enquiry. The M.R.O. is directed to that the enquiry should be done in a legal way and the M.R.O. should see that the Petitioner should be present through out the enquiry when the other witnesses are examined and that he should not rely only on his photographs. The Management shall act on the report of the M.R.O. and if the M.R.O. holds that the Petitioner is the son of Late K. Ramulu then the Management shall appoint as casual labour on the wages applicable to casual labour from 1-1-2005 failing which he will be entitled for the wages from 1-1-2005. He will not be entitled for any back wages. However, his entire services shall be counted for the purpose of the terminal benefits. If the M.R.O. gives a report against the Petitioner then he will not be entitled for any of the above reliefs mentioned.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, personal Assistant transcribed by her corrected and pronounced by me on this the 22nd day of March, 2004.

E. ISMAIL, Presiding officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जून, 2004

का.आ. 1551.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-155/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-2004 को प्राप्त हुआ था।

[सं० एल-40025/15/2004-आई० आर० (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 9th June, 2004

S. O. 1551—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. LCID-155/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecommunications and their workman, which was received by the Central Government on 9-06-2004.

[No. L.40025/15/2004-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AT HYDERABAD**

PRESENT:

Shri E. Ismail, B. Sc. LLB.,

Presiding Officer

Dated the 12th day of April, 2004

Industrial Dispute L. C. I. D. No. 155/2002

(Old I. D. No. 158/2000 Transferred from Industrial
Tribunal-cum-Labour Court, Guntur)

Between :

Smt. A. Vijaya Lakshmi,
W/O Venkata Krishna,
C/o N. R. Srinivasan,
Advocate, D. No. 6-1-132/54/63,
Karthikeya Apartments,
Skandagiri, Padmarao Nagar,
Secunderabad-500061.

... Petitioner

AND

1. The General Manager,
Telecommunications,
Labbipet, 7 Star building,
Vijayawada-7.
2. The Asst. General Manager,
Office of the General Manager,
Telecommunications,
Labbipet, 7 Star building,
Vijayawada-7.
3. The Asst. Director,
Official Language,
Telecommunications,
Muddu Subbaiah Street,
Behind Motor Cafe,
Governorpet,
Vijayawada.

... Respondents

APPEARANCES:

For the Petitioner : Sri N. R. Srinivasan, Advocate

For the Respondent : Sri R. S. Murthy, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I. D. Act, 1947 by the Industrial Tribunal-cum-Labour Court, Guntur in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's Order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 158/2000 and renumbered in this Court as L.C.I.D.No. 155/2002.

2. The brief facts as mentioned in the petition are :

That the petitioner was selected under the Telecommunications Department by S.D.O.T., Gudivada under Letter No. E-2/83/84/97 dated 22-8-1983 and thereafter the petitioner worked with several officers under the Respondent Management. The applicant worked on full time basis as casual mazdoor in Hindi Section as per the orders Nos. E-1/CM/MISC/93/95/104 dated 28-8-96 issued by the Sub-Divisional Engineer, Administration, Vijayawada. On 1-4-99 the Petitioner was informed that her services were being discontinued from 1-4-99. The applicant was appointed on full time basis in Hindi Section on 28-8-96 from that time she worked continuously. She worked for 249 days in the year 1997, 250 days in the year 1998, 62 days in the year 1999 till her services were discontinued in the month of March. The termination of the Petitioner is void *ab initio*. Hence, the order of termination dated 1-4-99 may be set aside and she may be reinstated with back wages, continuity of service etc.

3. A counter was filed stating that Smt. Vijaya Lakshmi has been sponsored as casual mazdoor on 22-8-1983. She worked as water sprinkler in the leave vacancies of Group D staff in various offices purely on casual basis. She was not engaged as casual mazdoor after August, 1994. Subsequently her representation has been considered and engaged as casual mazdoor in Hindi section, as per letter dated 28-8-96. In the said letter it is clearly mentioned, that he will not be eligible for regular absorption in future since she crossed the age limit of 25 years. As per the circle office directions, the casual mazdoor who is sponsored on or before 22-6-1988 and are working on MRs as on 31-3-99 are to be continued as MRs. The Petitioner at that time is not on MR. And hence, she was not engaged as casual mazdoor, further with effect from 1-4-99. That the provisions of I.D. Act are not applicable. Hence, the petition may be dismissed.

4. A rejoinder was filed by the petitioner. That the date of birth of the Petitioner is 2-8-66 and she was sponsored on 22-6-83. The allegation that as per the circular the casual mazdoor was sponsored on or before 22-6-88 and her working on MRs as on 31-3-99 are to be continued as MRs is incorrect and opposed the standing directions of the Management. On the other hand there are specific

directions of the Management that the casual labour should not be retrenched without following the provisions of the I.D. Act. The I. D. Act is applicable.

5. The Petitioner examined herself as WWI and deposed that she worked from 1983—86 as casual labour. She was posted to Hindi section by letted 28-8-96 issued by the Sub-Divisional Engineer, Administration, Vijayawada. During this period her services were utilized for various works such as water woman and also for office work in the sections. As the administration stated that she is overaged her mother gave a notarized affidavit that her date of birth is 2-8-66. That the employment card also records her date of birth as 2-8-66. She worked for more than 240 days as casual mazdoor in the year 1997 and in 1998. Her services were utilized in offices where the 5 day work pattern was in force. Till her termination on 1-4-99 she has worked 62 days. She was not given any notice nor notice pay and terminated orally.

6. In the cross examination, she deposed that she is born on 2-8-66. This date of birth is recorded in her school records. She studied upto 6th class in Municipal School at Vijayawada. She has not filed any birth extract from the concerned registrar of births. She worked at Gudiwada in the year 1983, for a period of two months and came to Vijayawada. She used to do sweeping work at Vijayawada as and when the work is available. She was paid for the days she worked. She was engaged intermittently depending upon the work and also in leave vacancies. She worked like that and in 1996 her services were utilized in the Hindi section as a casual mazdoor on the ground that there is a vacancy. She worked exclusively for Hindi section. She was paid Rs. 104/- per day.

7. The Management examined Sri Panakala Rao, Sub-Divisional Engineer (Administration) as MWI who deposed that the Petitioner worked in leave vacancies of regular Group 'D' staff intermittently due to absenteeism and non filling of post due to ban orders. For the purpose of propagation and use of Hindi among the staff has appointed a Hindi officer. On the representation of the Petitioner dated 9-8-96 she was issued an order dated 28-8-96 and the engagement continued up to 31-3-99. Thereafter the work was entrusted to a contractor. In the cross examination he deposed that the appointment orders did not speak of anything.

8. It is argued by the Learned Counsel for the Petitioner that the Petitioner was engaged for more than 240 days in 1997 and 1998. Actually those circulars are not applicable and the Petitioner has been working even prior to the cut off date, should have been continued in service and regularized. Hence, he submits that the Petition may be allowed. He also relied the following Judgements. He relied on 1997(3) LLJ (Supp) 1141 in the case of U. Chinnappa vs. Cotton Corporation of India, wherein it was held that the Petitioner can directly approach the Hon'ble Court.

9. It is argued by the learned counsel for the Respondent that the Petitioner was not engaged after 1994. She was engaged from July, 1984 to August, 1994 in the leave vacancy. The said engagement was never on MRs and there is ban, hence, she is not entitled for absorption.

10. It may be seen that from 1997 onwards she has worked for more than 240 days each. In 1997 worked for more than 240 days and in 1998 for more than 240 days and the very admission by the MWI that the same work was entrusted to contractor goes to show that the work is of perennial nature. Following of Sec. 25F is mandatory. Here this lady is in the hope of getting this job, has been working from 1983 to 1994 and again from 1996, she worked upto to 31-3-99. Even if all other are excluded the services from August, 1996 to March, 1999 cannot be brushed aside and she has worked more than 240 days in each year. Hence, the Petitioner is entitled for reinstatement on the last wages drawn within 30 days from the publication of this Award failing which she will be entitled to receive the last pay drawn wages till reinstatement. If there no work in the section she may be absorbed in some other section.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 12th day of April, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : Smt. A. Vijaya Lakshmi	MW1: Sri M. Panakala Rao

Documents marked for the Petitioner

Ex. W 1 : Copy of circular reg. Regularization & TSM DOT No. 269-4/93-STN-II dt. 12-2-99

Documents marked for the Respondent

Ex. M1 : Copy of extract, containing rules reg. Destruction of accounts etc.
 Ex. M2 : Copy of P&T / New Delhi Ir. No. 270/6/84-STN. Dt. 30-3-85
 Ex. M3 : Copy of circular No. TA/STA/9-1/Rlgs/V dt. 5-7-88
 Ex. M4 : Copy of office memo No. 269-4/93-STN-II (Pt) dt. 12-2-99
 Ex. M5 : Copy of certificate of registration No. 3/90 dt. 23-3-90

नई दिल्ली, 9 जून, 2004

का. आ. 1552.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, नं. II, नई दिल्ली के पंचाट (संदर्भ संख्या 125/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-2004 को प्राप्त हुआ था।

[सं. एल-42011/11/94-आईआर (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 9th June, 2004

S.O. 1552—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 125/2000) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 9-6-2004.

[No. L-42011/11/94-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI

PRESENT:

Shri R. N. Rai, Presiding Officer

ID No. 125/2000

Connected with ID No.82/95

In the Matter of:—

Shri Eknath

Versus

Management of C.P.W.D

Complaint Under Section 33A of the ID Act.

AWARD

The Ministry of Labour by its letter No. L-47011/11/94-IR/DU Dt. 4-8-1995 had referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the management of C.P.W.D in not regularising the services of Shri Eknath Mechanic and Bhagwat Rai Barman, Sr. Loader Operator w.e.f. 20-10-1984 and 1-10-1980 respectively? If not, to what relief the concerned workmen are entitled?”

The workman applicant has filed complaint under Section 33(a) of the ID Act as during pendency of ID No. 82/95, the status of his service was changed. The management has unlawfully terminated the services of the workman w.e.f. 1-9-2000 on the ground that there is

no recognized category of mechanic in the workcharge establishment staff of CPWD and offered him the lower category i.e. the post of Khalasi.

That the management also did not take prior permission from this Hon'ble Tribunal as the case for regularisation is pending before this Hon'ble Tribunal. A copy issued by the Director General, Works, CPWD dated 11th April, 2000 is annexed as Annexure-A with the complaint. It has been stated that the reversion to the post of Khalasi is illegal and unjustified. No permission from the Tribunal has been taken where the case of ID Act 82/95 is pending. The management cannot change the status of his service during the pendency of the dispute under the Industrial Disputes Act, 1947. Shri Eknath, Workman personally met the Executive Engineer and told that the Post of Mechanic is a skilled category and the post of khalasi is unskilled and the status of his service has been changed. It is against the provisions of Section 33-A of the ID Act and the workman deserves to be reinstated to his prior post of mechanic.

The respondent has filed written statement. In the written statement, it has been stated that he was engaged a daily wages worker (Muster Roll Khalasi) w.e.f. 20-10-1984 i.e. as unskilled daily wages labour. His wages were increased w.e.f. 26-10-1984 and he continued to work as daily wages worker (Muster roll Assistant Mechanic). His wages were further increased w.e.f. 26-7-1986 and he continued to work as daily wages worker (Muster Roll Mechanic). He appeared in the trade test for the post of Mechanic even though he was not possessing the required qualification on 25-08-1993 i.e. the date on which the trade test was conducted. He failed in the trade test as per the result declared by the Supdt. Engineer (Coordination) on dt. 4-10-1993 (Photo copy attached) as Annexure-1.

Shri Bhagwat Rai Burman was called as Muster Roll Senior Loader Operator. While implementing the judgment of Hon'ble Supreme Court of India, his pay was fixed not as an operator but as a senior operator for the purpose of allowing equal pay for equal work. The complaint under Section 33-A has been filed only by Eknath. As such the conditions of service of Shri Bhagwat Rai Burman cannot be considered in this case. Some of the paragraphs of the complaint have been denied and some have been admitted. It has been stated in the written statement that since the complainant workman did not pass the trade test. He did not possess the required qualification. So the status of his service was changed.

Heard arguments from both the sides and perused the papers on the record.

It was argued from the side of the workman that in case there is change in the status of service while the pendency of the dispute under the ID Act, permission

from the court should be taken and then only the status of service can be changed. In this case, no permission has been obtained and admittedly the status has been changed. As such, the change in status of service is inoperative in view of Section 33(2) (b) of the ID Act. As such, Change is ineffective from the date it was passed and the complainant workman deserves to be reinstated to the post from which he has been reverted to a lower post. In this connection my attention was drawn to 2002 AIR SCW 249 AND 98 (2002) Delhi Law Times. 706 (DB). I have gone through both the judgments of the Hon'ble High Court and the Apex Court and it has been specifically laid down that dismissal or discharge passed is ineffective in case it relates to the same matter and the permission of the tribunal has not been taken.

It was argued from the side of the management that there was no regular post of Mechanic and he has failed in the trade test so he was reverted to the post of Khalasi. It has been stated in the written statement that he was a Assistant Mechanic.

In ID No. 82/95, this point has been discussed in detail. I need not refer to the law cited in ID No. 82/95 as both are related. The respondent has no power to change the status of service during the pendency of ID No. 82/95 and the workman deserves to be reinstated to the post from which he was reverted from the date of reversion.

The action of the respondent management is illegal and arbitrary and the order passed on 1-09-2000 regarding the change of status of service of the complainant workman is illegal, unfair and arbitrary. The management should reinstate the workman at his previous post from the date of reversion to the lower post i.e. 1-09-2000 and pay him full back wages.

The award is given accordingly.

Dated- 8-06-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 10 जून, 2004

का. आ. 1553.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी. 139/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-2004 को प्राप्त हुआ था।

[सं. एल-12025/1/2004-आईआर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th June, 2004

S. O. 1553.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No.I. D. 139/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 10-6-2004.

[No. L.-12025/1/2004-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri E. Ismail, Presiding Officer

Dated the 10th day of March, 2004

Industrial Dispute No. L. C. I. D 139/2002

(Old I. D. No.288/98 Transferred from Industrial
Tribunal cum Labour Court, Guntur)

BETWEEN:

Sri Karumanchi Prakasa Rao,
S/o Devapalam,
Mamillapalli Post,
Ponnur Mandal,
Guntur District.

.....Petitioner

AND

The Branch Manager,
State Bank of India,
Mamillapalli,
Ponnur Mandal,
Guntur District.

...Respondent

APPEARANCES:

For the Petitioner : M/s. V. Viswanathan & K. Vijaya
Bhaskar Reddy, Advocates.

For the Respondent : M/s. B. G. Ravindra Reddy & B. V.
Chandra Sekhar, Advocates.

AWARD

This case I.D. No. 288/98 is transferred from Industrial Tribunal-cum-Labour Court, Guntur in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 and renumbered in this Court as LCID No. 139/2002. This is a case taken under Section 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. In spite of several adjournments given from 2-12-2002 for enquiry of the Petitioner for four adjournments

including 10-03-2004 the Petitioner has not turned-out. In spite of number of adjournments the petitioner has failed to produce any evidence in support of his claim. There is nothing on record to substantiate the case of the petitioner.

Accordingly a 'Nil' Award is passed. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this 10th day of March, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the
.....Petitioner

NIL

Witnesses examined for the
.....Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 जून, 2004

का. आ. 1554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथ ईस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या आई. डी.- 61/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-6-2004 को प्राप्त हुआ था।

[सं. एल-41025/1/2004-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th June, 2004

S. O. 1554.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. I. D.-61/2002 of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Eastern Railway and their workman, which was received by the Central Government on 10-6-04.

[No. L-41025/1/2004-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT
AT HYDERABAD

PRESENT: Shri E. Ismail, B.sc., LL.B., Presiding Officer

Dated the 5th day of May, 2004

Industrial Dispute L. C. I. D. No. 61/2002

(Old I. D. No. 43/2001 Transferred from Industrial Tribunal cum Labour Court, Visakhapatnam)

Between :

Sri Pasupureddi Suribabu,
S/o Late Bheemmarao,
R/o D. No. 16-211 old
Gopalapatnam,
Gopalapatnam post,
Visakhapatnam-530027.

...Petitioner

AND

1. The General Manager,
South Eastern Railway,
Garden Reach, Kolkata-700043.
2. The Divisional Railway Manager,
S.E. Railway, Dondaparthi Junction,
Station Road, Visakhapatnam-530004.
3. The Divisional Mechanical Engineer,
O/O D.R.M. (Mech.)
Visakhapatnam-530004.
4. The assistant Mechanical Engineer,
O/o the D.R.M. (Mech), S.E. Railway,
Visakhapatnam-530004.

...Respondents

Appearances :

For the Petitioner : Sri K. Balakrishna, Advocate

For the Respondent : M/s. Badarinath &
Madanmohan, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the ID Act, 1947 by the Industrial Tribunal cum Labour Court, Visakhapatnam in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR(C-II) dated 18-10-2001 bearing I.D. No. 43/2001 and renumbered in this Court as LCID No. 62/2002.

2. The brief facts as mentioned in the petition are : That the Petitioner was appointed on the ground of compassion since his father who was fitter grade-II in S.E. Railways, Visakhapatnam division died in the month of November, 1991. He was appointed at the tender age of 18 years as lifting of heavy loads have been entrusted. Soon he suffered from lumbago and general disability and

abstained from duty on acceptable reason and on the grounds of unauthorised absence he was removed from service after conducting a so called enquiry without giving full opportunity and without consideration and by his subsequent efforts for reinstatement through the union in which he is a member proved futile. His dismissal from service from 16-2-98 became final. His appeals and revision petitions have been rejected. The matter was finally disposed off by Ex. M3 dated 5-1-2000. That the Petitioner was appointed on 8-12-92 on compassionate grounds as Shed Khallasi bearing token No. 2748. That he worked continuously for three years. From 1995 he was ill till 1998. That he being a regular employee leave regulations as promulgated by Central Government are equally applicable to him. As such an unceremonious termination is bad. Hence, his termination order of 16-2-98 may be set aside and he may be taken into service with all consequential benefits.

3. A counter was filed stating that the Petitioner was appointed on 8-12-92 on compassionate grounds after his father's demise while in service in Railways. That he was regular to his duties and from 23-4-95 he absented unauthorisedly without any intimation and joined duty on 20-9-95. He accepted his guilt in his explanation for the said absence. He has mentioned that he was bedridden with Typhoid and unable to move from his house. That he attended enquiry on 25-3-97 and depositions of charged official and prosecution witness were obtained and accordingly, his attendance particulars from January, 1996 to February, 1998 were obtained. During the above period the Petitioner has performed duty for 51 days in 1996, 58 days in 1997 and no attendance till 9-2-98. He was unauthorisedly absent for 266 days during the above period and continued till his removal was issued. He has not improved his attendance. Hence the petition may be dismissed.

4. The Petitioner's Counsel conceded that the domestic enquiry is validly conducted and the Petitioner was asked by the Court in Teligu and the Petitioner said he worked after charge sheet for some time but due to ill-health could not attend daily. Arguments were advanced under Section 11A by both the Counsels.

5. It is argued by the learned Counsel for the Petitioner at length and submitted number of Judgements for example he has given a Judgments 1996(1) ALT page 40 that absence from duty for more than 5 years misconduct, absence to duty without leave a misconduct but no automatic termination even if standing orders framed, without enquiry termination is bad. It may be noted that the above Judgment is not applicable to the facts of this case. Here, a regular enquiry has been conducted and the Petitioner's Counsel himself conceded that the enquiry is validly conducted. Again he relied on 1995(1) ALT page 744 wherein it was held that, "mere absence of employee

without leave at his credit not a misconduct—If he is able to show acceptable cause for his absence if he has no leave in his credit extraordinary leave without pay shall be granted as per leave rules". Even if this case is not applicable for the present case for the simple reason that for years together he has been absenting himself, inspite of charge sheet he has not mend himself. The same is the arguments by the Learned Counsel for the Respondent that he has been appointed on compassionate grounds, he should have been more careful at a young age and a lot of chances have been given. Yet, he did not mend himself hence, he was dismissed.

6. In fact, directly speaking the Petitioner does not deserve any sympathy at all. He was appointed w.e.f. 8-12-92 due to his fathers demise in November, 1991. He worked till 23-4-95, from 23-4-95 he was unauthorisedly absent for about 5 months and joined in September, 1995. he was placed under suspension and even after issue of charge sheet he has worked only for 51 days in 1996, 58 days in 1997 and no attendance till 16-2-98 till he was removed. So it is quite clear that the Petitioner who got a job in railways, seeing unemployment problem in India any graduate or post graduate would have willingly joined. It is not that he got it as a right and he can either go at his will or pleasure or not. But however, the quality of money is not strained, I am of the opinion that one last chance can be given to him with the following conditions. The Petitioner shall be appointed as Shed Khallasi at C/VSPS depot in Carriage & Wagon Depaatment at the starting initial pay, within 30 days after publication of this Award. He is not entitled for any back wages and his services shall not be counted for any purpose from 8-12-92 till he is re-appointed. However, his re-appointment is also conditional unless he works for three consecutive years with minimum musters he shall not be regularized and liable for dismissal.

Award passed accordingly, transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 5th day of May, 2004.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined
for the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 10 जून, 2004

का. आ. 1555.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई के पंचाट (संदर्भ संख्या 4/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल०-20030/13/95-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 10th June, 2004

S.O. 1555.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/97) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 7-6-2004.

[No. L-20030/13/95-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT:

Shri Justice S. C. Pandey, Presiding Officer

REFERENCE NO. CGIT-04/1997

PARTIES : Employers in relation to the management of
Air India Ltd.

AND

Their Workmen

APPEARANCES:

For the Management : Mr. Lancy D'Souza
Advocate

For the Workmen : Mr. M.B. Anchan, Advocate
State : Maharashtra

Mumbai dated 19th day of May, 2004

AWARD

1. This is a reference made by the Central Govt. under clause (d) of sub-section 1 of and sub-section 2A of Section 10 of the Industrial Disputes Acts 1947 (the Act for short) for adjudicating upon the dispute between Air India Ltd. the company for short and Shri S. B. Sawali (the workman) for short. The terms of dispute are as follows:

“Whether the action of the management of Air India Limited in treating the services of Shri S. B. Sawali, Ex-loader voluntarily abandoned w.e.f. 9-2-1988 is

justified? If not, to what relief is the said workman entitled?”

2. The workman stated that he was employed as a Loader. It is alleged by him that his services were terminated by order dated 30-7-1988 w.e.f. 9-2-88. The workman submitted that he was sick from 9-2-88 to 30-7-1991. The fact of his sickness was known to the authorities of the company. On 1-8-99 Dr. Deepak K. Jumani gave him a fitness certificate. He reported to his duties on the basis of certificate but he was told that his services were terminated without holding an enquiry w.e.f. 9-2-88. The workman stated that order of dismissal is invalid. He claim that he did not abandon his job. There is no mention in the Statement of claim regarding the fact when the workman raised the industrial dispute. Nor did he mention when the proceedings for Conciliation Officer were raised by him.

3. The company stated in the written statement that workman remained absent between 9-2-88 to 30-7-91. The workman remained absent without intimation. The workman did not received two letters dated 2-5-88 and 30-5-88 sent to his address. It was assumed that workman did not want to continue. The company did not know that workman was suffering from any disease. The workman did not take advantage of medical services provided by the company. The company denied that workman sought only leave. The workman never informed the company. There, letter dated 30-7-88 was sent to workman informing him that company assumes that he had abandoned job. It was denied that workman learnt on 1-9-91 that his services were treated as termination w.e.f. 9-2-88. It was denied that the workman was retrenched from service. The company stated that workman raised the dispute in 1991 after delay of three years and filed the Statement of claim after 11 years. Therefore, his claim was liable to be rejected.

4. The following three issues were framed.

(i) Whether the action of the management of Air India Ltd. in treating the services of S. B. Sawali Ex-Loader voluntarily abandoned w.e.f. 9-2-88 is legal and justified?

(ii) If not what relief the said workman is entitled to?

(iii) Whether the delay of 11 years in getting the reference made is fatal to the case of the workman. The Issue No. 3 does not arise because the workman raised dispute in the year 1991 before Conciliation Officer. The matter was referred to this tribunal by order dated 10th Jan., 1997. The workman filed his Statement of claim before this tribunal after obtaining time.

5. The workman stated that he was sick and under treatment of Deep K. Jumani. He stated that he had informed about his sickness to the superiors of his company. The workman stated that he did not receive any notice because he had shifted from his house. The workman

tried to prove that during his illness his wife had sent a letter but letter was not addressed to any Officer. It did not bear any signature acknowledging receipt. Nor could the workman prove that he had sent any medical certificate prior to 1991. He admitted that even prior to 1986 he had received warning letters and stoppage of increments. It appears that workman after remaining absent for three years woke up in 1991. The workman could have informed the company when he was medically checked up. The Certificate of Dr. Jumanani shows that he had given the certificate with a view to help the workman. The company sent the letters to the workman on the address given by him. The company has examined Shri R.S. Pathak and filled letters addressed to local as well as permanent address. These letters are dated 2-5-1988 Exhibit M1, 30-5-1988 Exhibit M2 24-6-1988, Exhibit M3 and 30-7-1988 Exhibit M4. The workman himself was unable to explain why he did not apply leave when he was sick. Under these circumstances, if the company was not interested in continuing the service of the workman, this tribunal shall not interfere. The workman remained absent for three years without any intimation. His previous record is also not good. No interference is therefore called for withdrawing the order dt. 9-2-88.

6. The result of the discussion that this tribunal is of the opinion that under the facts and circumstances of the case the company rightly concluded that the workman had abandoned his job the order is justified. No interference is called for. The reference is not accepted.

S.C. PANDEY, Presiding Officer

नई दिल्ली, 10 जून, 2004

का. आ. 1556.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मोदी लुफ्त लि. रायल एअरवेज लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण I मुम्बई के पंचाट (संदर्भ संख्या 24/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल०-11012/73/2001-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 10th June, 2004

S.O. 1556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 24/2001) of the Central Government Industrial Tribunal-cum-Labour Court, I Mumbai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to management of Modiluft Ltd., Royal Airway Ltd. and their workman, which was received by the Central Government on 7-6-2004.

[No. L-11012/73/2001-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 MUMBAI

PRESENT:

Shri Justice S.C. Pandey, Presiding Officer

REFERENCE NO. CGIT-24 OF 2001

PARTIES : Employers in relation to the management of

(1) M/s. Modiluft Ltd.

(2) Royal Airways Ltd.

AND

Their Workman

APPEARANCES:

For the Management : Shri A. S. Patil,
Advocate

For the Workmen : Shri Jaiprakash Sawant,
Advocate

State : Maharashtra

Mumbai, dated this 20th day of May, 2004

AWARD

1. This is a reference made by the Central Government in exercise of its power under clause (d) of Sub-section 1 and Sub section 2A of Section 10 of the Industrial Disputes Act (the Act for short). The terms of reference are as follows:

"Whether the action of the management of M/s. Modiluft Ltd. in not providing employment to Shri Nandkishor N. Gawade and other nine workmen (as per list enclosed) with effect from October 1999 upon resumption of operations in the name of Royal Airways is legal and justified? If not, to what relief are the said workmen entitled and from what date?"

2. In the list attached to terms of reference out of 9 workmen following workmen made statement to the effect that they are not interested in prosecuting the industrial dispute in this reference.

1. Mr. Nandkishor N. Gawade
2. Shri Jayachandra Anamala
3. Smt. Maria Sandra Briganza E. De Souza
4. Ms. Aalvina Fonseca
5. Shri Ashwin D. Dutt
6. Shri Rajesh K. Sachanandani

3. Only four persons remained who did not make a statement. They are —

1. Shri Mathais Fernandes
2. Shri Sanjay G. Indulkar
3. Miss Natasha Khodaiji
4. Ms. Naaznin F. Godrej

4. Thereafter Shri Jaiprakash Sawant stated that he had no instructions. Thereafter notices were issued for appearance of union. Nobody has appeared for the union.

5. The reference is therefore disposed of by saying that parties are not interested in prosecuting this reference.

S. C. PANDEY, Presiding Officer

नई दिल्ली, 10 जून, 2004

का.आ. 1557.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ब्रिटिश एअरवेज के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण : मुंबई के पंचाट (संदर्भ संख्या 10/2001) को प्रकाशित करता है, जो केन्द्रीय सरकार को 7-6-2004 को प्राप्त हुआ था।

[सं. एल०-11012/10/2001-आई.आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 10th June, 2004

S.O. 1557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of British Airways and their workman, which was received by the Central Government on 7-6-2004.

[No. L-11012/10/2001-IR (C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1

MUMBAI

PRESENT:

Shri Justice S.C. Pandey, Presiding Officer

REFERENCE NO. CGIT-10 OF 2001

PARTIES : Employers in relation to the management of
British Airways

AND

Their Workman

APPEARANCES:

For the Management : Shri D. D. Naik,
Advocate

For the Workmen : Shri Harish Shivdasani,
Advocate

State : Maharashtra

Mumbai, dated this the 20th May, 2004

AWARD

1. This is a reference made by the Central Government in exercise of its power under clause (d) of Sub-section 1 and Sub-section 2A of Section 10 of the Industrial Disputes Act (the Act for short). The terms of reference are as follows:

'क्या ब्रिटिश एअरवेज, मुंबई के प्रबंधन द्वारा उनके कर्मचारियों को कार्यालय में भोजन अवकाश न दिया जाना नियमानुसार, विधिवत एवं न्यायोचित है? यदि नहीं तो क्या निर्देश आवश्यक है?'

2. Today, both the parties jointly filed a settlement and prayed that the matter may be disposed of. The terms of settlement is as follows:

"That during the pendency of the proceedings before this Hon'ble Tribunal the matter was discussed between the parties and after discussions both the parties have agreed that the employees of Customer Service Department Mumbai will avail a meal break of 45 minutes each working day in a staggered manner between the 2nd hour (second) and 6th hour (sixth) depending upon exigencies of work and operational requirements."

3. Since the parties have already settled the matter, it is disposed of by stating that there is no industrial dispute between the parties for passing an award.

S. C. PANDEY, Presiding Officer